

Tax Exemption and Athenian Imperial Politics: The Case of Chalkis

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SUMMARY: This paper argues that the clause at *IG I³* 40.52–57, which refers to taxation of aliens at Chalkis and has long puzzled scholars, stipulated that any non-Chalkidian who had been granted immunity from Athenian *tele*, conditional on residence at Athens or not, should enjoy the same immunity from Chalkidian *tele* at Chalkis; that the inscription belongs to 424/3 B.C.E, when Athenian law and honorific practice were much concerned with taxation and immunities. Though long seen as fiscal punishment by a newly imperial Athens, the action was connected to later debates about local honors and domestic taxation, and was rather mild.

IG I³ 40 PRESERVES TERMS IMPOSED BY ATHENS ON CHALKIS, AND ON ITSELF. THE occasion is thought to be the aftermath of Euboian revolt in 446/5 or else Athenian action against the island in 424/3.¹ This document is among our richest epigraphic witnesses to what it meant to be on the receiving end of Athenian imperialism. To understand the terms of this settlement is to illuminate not only the “popularity” of the Athenian empire or the “language of Athenian imperialism”² but also some measure of the legal, political, and

¹ 446/5: Thuc. 1.114; Diod. Sic. 12.7, 12.22.2; Strabo 10.1.3; Plut. *Per.* 23.3. 424/3: Philochoros *FGrH* 328 F130 [Σ Ar. *Vesp.* 718], also F119. Modern debate: Recently, Mattingly 2002 restated and strengthened his case, now more than 50 years old, for redating the text to 424/3, and associating it with the Athenian military action in Euboea mentioned by Philochoros (Σ Ar. *Vesp.* 718). I have been unable to see a copy of Mattingly 2010a. Rhodes 2008: 504–5 notes that “The settlements with the Euboean cities Eretria, Chalcis and Hestiaea surely belong in 446/5.” Papazarkadas 2009: 74 is open to the possibility of the late date. Ostwald 2002: 136: “That the date of the decree is 446 BC is almost universally agreed.”

² Fornara 1977; Low 2005.

economic realities of its implementation. The text shows both the tone and actions of empire.

It was resolved that the Athenian council and jurors swear an oath to protect a number of Chalkidian freedoms: from expulsion from Chalkis; from civic devastation; from disfranchisement, exile, arrest, execution, or seizure of assets, without trial; from the introduction of votes against persons without prior and due summons; from undue delay of diplomatic missions; all on condition of Chalkidian obedience to Athens.³ The Chalkidians, in turn, are to agree not to revolt, to reject and report anyone who so tries, to pay tribute, to be an upright ally, to aid, defend, and obey Athens; failure to swear is to result in forfeiture of citizen rights and assets alike.⁴

Another decree follows, in which Antikles proposed, apparently at the same session of the assembly (the decree lacks prescript), further: the generals are to see to the expeditious conduct of the oath exchange; the people shall elect five men to administer the oath immediately; a Chalkidian request for action regarding hostages is to be tabled pending future discussion and resolution; certain details concerning taxation of aliens at Chalkis are to be enacted; the decree and oath are to be inscribed at Athens and Chalkis; specific required sacrifices are to be conducted promptly by an appointed panel, which the generals are to oversee, and fund, expeditiously.⁵ To this, Arcestratos attached a rider: that Chalkidians retain legal autonomy over *euthynai*, except in cases where punishment is exile, death, or *atimia*; that in all such, there shall be *epheis* to the *heliaia* of the *thesmothetai* at Athens; that Athens's generals are to have oversight of the guarding of Euboa.⁶

If the oath enumerated harsh acts that Athens would forego, the decree and rider that follow indicate intrusions that the imperial city reserved the right to make. But the provision regarding taxation⁷ of aliens confounds (*IG* I³ 40.52–57):

³ *IG* I³ 40.4–16.

⁴ *IG* I³ 40.21–36. The terms could have been worse. When Euboa revolted in 446/5 Athens cleared and appropriated Histiaia and “arranged the rest of the island by agreement” (Thuc. 1.114.3: κατεστρέψαντο πᾶσαν, καὶ τὴν μὲν ἄλλην ὁμολογία κατεστήσαντο, Ἐστιαίας δὲ ἐξοίκισαντες αὐτοὶ τὴν γῆν ἔσχον).

⁵ *IG* I³ 40.43–69.

⁶ *IG* I³ 40.71–79.

⁷ For convenience I shall use “tax,” “taxation” and similar to refer to the wide range of obligations and immunities denoted by Greek τέλος, τελεῖν, ἀτέλεια, and the like. The precise meaning of the words in this text is discussed below.

τὸς δ-
 ἐ χσένος τὸς ἐν Χαλκίδι, ἡόσοι οἰκῶντες
 μὲ τελοσιν Ἀθέναζε, καὶ εἴ τοι δέδοται ἡ-
 ὑπὸ τῷ δέμο τῷ Ἀθηναίον ἀτέλεια, τὸς δὲ ἄ-
 ἄλλος τελεν ἐς Χαλκίδα, καθάπερ ἡοι ἄλλο-
 ἰ Χαλκιδέες.

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The nature and objective of these provisions is a mystery. Were these aliens Athenian citizens? Cleruchs? Metics at Athens, at Chalkis? Citizens of states allied with or subject to Athens? Merchants? Did the clauses restrict or protect Chalkis's right to tax? If the former, was the measure mild or punitive? Were these *tele* liturgies, transit taxes, *metoikion*, tribute, sales tax, or something else? The stakes are high: the passage smells like policy and so affects our understanding of Athens's legal and economic posture in an important period.⁸ Moreover, the passage's grammar is as difficult to unlock as its historical significance and has exercised nearly all who have studied the text.⁹ On the basis of syntactical parallels—two observed already—I propose a new interpretation of what the grammar denotes and, based on that, a new historical understanding of the clauses.

Let us begin with the Greek. Meyer translated, “Die Fremden in Chalkis, welche dort als Metoeken wohnen und nicht nach Athen Steuern zahlen, und wenn Jemandem vom athenischen Demos Steuerfreiheit gegeben ist,—alle anderen sollen nach Chalkis steuern wie die Chalkidier.”¹⁰ For him, the relative clause expresses exception (not “those who do not” but “except those who do”) and confers the same on the protasis that follows (“and except anyone to whom

⁸ One may find thoughtful review of past scholarship, and ongoing debate over both historical and grammatical interpretation, in many excellent discussions from the last generation: Gauthier 1971: 65–67; Whitehead 1976; Fornara 1977; Balcer 1978: 65–71; Pébarthe 1999: 142–46; Giovannini 2000: 61–63, with Pébarthe 2005; Ostwald 2002: 140–41. Thanks to more than a century of hard work on the text, many of the individual claims that I shall make have originated with others, although the grammatical and historical interpretations that they support are new.

⁹ Observations that the grammar is awkward but the meaning clear are old and perhaps ought to have raised a red flag; see e.g., Ditt, *Syll.*² 17 p.29n16: “*Haec verba structuram enuntiati turbant etsi sententia perspicua est;*” von Stern 1916: 631, referring to Kolbe's interpretation of “des grammatisch nicht ganz correct, aber dem Sprachgebrauch nach völlig einwandfrei gebauten Satzes.”

¹⁰ Meyer 1899: 147.

ateleia has been given”);¹¹ the aliens were metics at both Athens and Chalkis, and all aliens resident in Chalkis were to pay taxes thereto except (a) those who were also registered as metics at Athens and (b) those to whom Athens had granted tax immunity.¹² Athenians who settled in Chalkis, Meyer reasoned, were not to be taxed by their new city of residence; and Athens sought by this measure to extend that same immunity to all metics at Athens and recipients of immunity from Athenian taxation.¹³ The grammar underlying this interpretation, if not necessarily the historical conclusions, matured quickly into something of a scholarly consensus,¹⁴ which “consists of equating ὅσοι ... μή with πλὴν ὅσοι, taking εἴ τῳ as ὅτῳ, supplying πλὴν before εἴ τῳ and taking τοὺς δὲ ἄλλους as an anacolouthon resuming τοὺς ξένους after the two exceptions have been stated.”¹⁵ To put it another way: (1) ἡόσοι ... | μὲ τελοῦσιν means “except those who pay”; (2) this exception applies also to the

¹¹ Von Stern 1916: 631–32, expanded: “Die Fremden in Chalkis, welche dort als Metöken wohnen — (es folgt im negativen Nebensatz die erste Einschränkung) sofern sie nicht nach Athen Steuern zahlen und (es folgt im positiven Nebensatz die zweite Einschränkung) wenn jemand vom athenischen Demos Steuerfreiheit verliehen ist—, sie sollen (d. h. alle anderen, die nicht Ausgenommenen, τοὺς δὲ ἄλλους) nach Chalkis wie die Chalkidier steuern. Daraus folgt, daß von der Steuerzahlung in Chalkis befreit waren: erstens solche Metöken, die in Athen angeschrieben waren und dorthin Steuern zahlten, zweitens die Fremden, denen Athen das Privileg der Steuerfreiheit verliehen hatte.” Henry 1979: 288 follows Meyer very closely, observing that the text “may be translated literally as: ‘The aliens in Chalcis, as many as living <there> do not pay taxes to Athens, and if to anyone exemption from taxation has been granted by the Athenian demos, the others then (apodotic δέ) shall pay taxes to Chalcis, just as the other Chalcidians <do>’” but that this *means* that “all the aliens resident in Chalcis shall pay taxes to Chalcis, just as the other Chalcidians do, except in cases where (i) they pay taxes to Athens, or (ii) an individual has been granted exemption from taxation by the Athenian demos.”

¹² Kirchner, *IG I* supp. 27a, emended to achieve the same effect (expressed per Leiden conventions): τὸς δ'ἔ χσένος τὸς ἐν Χαλκίδι {ἡόσοι} οἰκόντ<α>ς <ἡόσοι> | μὲ<ν> τελοῦσιν Ἀθέναζε, καὶ εἴ τοι δέδοται ἡ|πὸ τῷ δέμο τῷ Ἀθηναίον ἀτέλεια, <ἀτελεῖς εἶναι>, τὸς δὲ ἄλλος τελεῖν ἐς Χαλκίδα, καθάπερ ἡοι ἄλλοι Χαλκιδέες (“that the *xenoi* who dwell in Chalkis, as many as pay tax to Athens, and if *ateleia* has been granted to anyone by the Athenian people [sc. also they], shall be immune from taxation, but that the others shall pay to Chalkis, just as the other Chalcidians [sc. pay].”)

¹³ Meyer 1899: 147.

¹⁴ See, for example, already, Tod, *GHI I*² p.86: “But the aliens at Chalcis, save those who, resident there, pay taxes to Athens and any one who has received from the Athenian people a grant of exemption, shall in all other cases pay taxes to Chalkis as do also the Chalcidians.” Note, however, that Tod’s “shall in all other cases” smooths over Meyer’s more abruptly literal “—alle anderen sollen;” also Stern’s “—, sie sollen (d. h. alle anderen, die”

¹⁵ Slings 1977: 277.

protasis, καὶ εἴ τοι δέδοται ... ἀτέλεια; (3) the δὲ in τὸς δὲ ἄλλος is apodotic / resumptive, and (4) that phrase recapitulates τὸς δι' ἑστένοσ τὸς ἐν Χαλκίδι, which (5) are in effect also the subject of τελεῖν.

Whitehead challenged that ἡόσοι ... | μὲ τελεῶσιν ought to mean simply “those who do not pay”; that Vinogradov had rightly understood the resumptive quality of τὸς δὲ ἄλλος; that these “others” may have slipped from the reader’s or drafter’s mind owing to the interruption by the two classes of exceptions.¹⁶ The “others,” then, are not other than the group first mentioned (the aliens), but other than the intervening exceptions.¹⁷ Whitehead translates, “Those aliens resident in Chalcis who do not pay tax(es) to Athens—including any individual given exemption by the people of Athens—are to pay to Chalcis, just as the other Chalcidians do.”¹⁸ On this view, the clauses did not constrain Chalkis’s freedom to tax (as Meyer thought), but guaranteed it. Several have followed.¹⁹ Whitehead was right, I suggest, to try to make sense

¹⁶ Whitehead 1976; Vinogradov 1973.

¹⁷ Thus, Balcer 1978: 71: “The foreigners—the *xenoi*—living in Chalkis [except those who—while living there pay taxes to Athens (even if they have been given an exemption from taxes by the Athenian people)], these shall pay taxes to Chalkis exactly as do the Chalkidians.” Concessive “even if” is dubious; see also Whitehead 1976: 258. This is a very common method of conjunction; see for example *IG I³* 52.12–13: ἀποφαινόντων δὲ τὰ γεγραμμένα ἡοι τε ἡιερ[ῆς κ]αὶ ἡοι ἡιεροποιοὶ καὶ εἴ τις ἄλλος οἶδεν, which simply means, “The priests and the *hieropoioi* and, if anyone else knows (about such documents, he too) shall make the documents known.”

¹⁸ Whitehead 1976: 252. Bengtson 1975: 74 no.155 appears to have had suggested something similar: “Die in Chalkis ansässigen Fremden, soweit sie nicht nach Athen Steuern zahlen oder von Athen Steuerfreiheit erhalten haben, sollen nach Chalkis zahlen wie die Chalkidier.”

¹⁹ Smart 1977. Fornara 1983: 114, translates, “As to the aliens in Chalcis who are resident there and who are not subject to Athenian taxes, or who have been granted by the People of the Athenians immunity from public burdens (*ateleia*), they shall pay (taxes) to Chalcis like the other Chalcidians”; this seems to reverse prior agreement with Tod in Fornara 1977: 39. Dillon and Garland 2010: 432: “And the foreigners in Chalkis, who living there do not pay taxes to Athens, or who have been granted exemption from tax by the people of the Athenians, are otherwise to pay tax to Chalkis, just like the other Chalcidians”; a similar formulation occurred already to Lewis 1971: 16; note, however, Lewis’s application of μὲ to the subsequent protasis (καὶ εἴ τοι δέδοται): “All Aliens residing in Chalkis who do not pay taxes to Athens and have not been granted tax exemption by the government of Athens, shall pay taxes to Chalkis just like the other Chalcidians.” Some, e.g., Koch 1991: 140–41 T4, follow Meyer but treat the resumptive δὲ as Whitehead does: “Die Xenoi in Chalkis, die dort wohnen, sollen mit Ausnahme derjenigen, die nach Athen abgabenpflichtig sind, und derjenigen, denen von den Athenern Abgabenfreiheit gewährt worden ist, nach Chalkis Abgaben entrichten wie die anderen Chalkidier.”

of the relative clause as he did. Certainly, ὅσοι μὴ sometimes *can* mean “except those who do” or “those who do not,” more-or-less interchangeably in the same passage,²⁰ but this inversion does not always work well, or even at all.²¹ And the resumptive δὲ is problematic; it appears to be unattested in Greek inscriptions, and on Whitehead’s construction, the intervening groups are not distracting exceptions, but the very same *xenoi* mentioned above.

Against Whitehead, Slings argued for the consensus view, noting that the passage shows the same structure found at Thuc. 5.10.10, which Gauthier had already adduced, and Hdt. 2.77.5 as well.²² But in neither passage is the

²⁰ Thuc. 4.57.3: καὶ τὴν τε πόλιν κατέκαυσαν καὶ τὰ ἐνόντα ἐξεπόρθησαν, τοὺς τε Αἰγινήτας, ὅσοι μὴ ἐν χερσὶ διεφθάρησαν, ἄγοντες ἀφίκοντο ἐς τὰς Ἀθήνας καὶ τὸν ἄρχοντα ὃς παρ’ αὐτοῖς ἦν τῶν Λακεδαιμονίων, Τάνταλον τὸν Πατροκλέους. This could mean, “They torched the city and pillaged its contents, and leading away the Aiginetans who hadn’t been killed in the *melée* they reached Athens” Or it could mean, “... and leading away the Aiginetans, except those who had been killed in the *melée*, they reached Athens”

²¹ Not well: Dem. 47.33: προσῆσαν δὲ καὶ οἱ ἄλλοι τριήραρχοι τῇ βουλῇ, ὅσοι μὴ παρελάμβανον παρὰ τῶν ὀφειλόντων τὰ σκεύη. (“And the rest of the trierarchs who did not recover the equipment from those who owed it approached the *boule*.”) Here we *could* understand “except those who did recover,” but not easily, for the speaker’s point is that he went to the council, as did all of the other trierarchs *who did not* recover their materials. Not at all: Dem. 7.30: περὶ δὲ τοῦ ἐτέρου ἐπανορθώματος, ὃ ὑμεῖς ἐν τῇ εἰρήνῃ ἐπανορθοῦσθε, τοὺς ἄλλους Ἕλληνας, ὅσοι μὴ κοινωνοῦσι τῆς εἰρήνης, ἐλευθέρους καὶ αὐτονόμους εἶναι, καὶ ἐάν τις ἐπ’ αὐτοὺς στρατεύῃ, βοηθεῖν τοὺς κοινωνούντας τῆς εἰρήνης. (“Concerning the other amendment that you made in the peace, namely that the rest of the Greeks, who do not share in the peace, shall be free and autonomous, and if anyone campaigns against them, that those who do share in the peace shall bring aid.”) This cannot mean “the rest of the Greeks, except those who do share in the peace, shall be free”

²² Slings 1977: 277–79; Gauthier 1971: 73–74n80. Thuc. 5.10.10: οὕτω δὲ τὸ στράτευμα πᾶν ἦδη τῶν Ἀθηναίων φυγὸν χαλεπῶς καὶ πολλὰς ὁδοὺς τραπόμενοι κατὰ ὄρη, ὅσοι μὴ διεφθάρησαν ἢ αὐτίκα ἐν χερσὶν ἢ ὑπὸ τῆς Χαλκιδικῆς ἵππου καὶ τῶν πελταστῶν, οἱ λοιποὶ ἀπεκομίσθησαν ἐς τὴν Ἱόννα. But here, οἱ λοιποὶ is in apposition to the preceding relative clause: “So, the whole Athenian force now being in wretched flight and turning down many paths through the hills, as many as were not destroyed either immediately in the *melée* or by the Chalkidian horse and the peltasts, the remnants (οἱ λοιποὶ), got away to Eion.” The relative clause interrupts subject and appositive, perhaps a syntactical reflection of tactical disarray. Thucydides used this particular negative qualification often: 2.90.5; 3.89.2; 4.57.3; 4.130.6; 7.1.3; 7.58.3; 7.71.6. Hdt. 2.77.5: ὀρνίθων δὲ τοὺς τε ὄρνυγας καὶ τὰς νήσασας καὶ τὰ σμικρὰ τῶν ὀρνίθων ὠμὰ σιτέονται προταριχεύσαντες· τὰ δὲ ἄλλα ὅσα ἢ ὀρνίθων ἢ ἰχθύων σφί ἐστι ἐχόμενα, χωρὶς ἢ ὁκόσοι σφί ἱροὶ ἀποδεδέχεται, τοὺς λοιποὺς ὀπτοὺς καὶ ἐφθοὺς σιτέονται (“Of birds, they eat quail and ducks and small species of little birds raw, after they have pickled them. But as for the rest, as many little birds or fish as they have, except for those acknowledged by them as sacred, the rest they

“resumed” substantive conjoined with δέ, as the Athenian decree has. The δέ is the puzzle; a parallel without it is not a parallel.²³

Henry found in Slings’s argument “uncontrovertible evidence that Whitehead’s translation is impossible” (1979: 287). To Slings’s suggestion that the stone’s ΔΕ might be δή, he objected that this would have to be supported by epigraphic parallels and that it is “virtually certain” that what we have here is Denniston’s δέ “after πλὴν” (p.181), which, as Dover had described, “accompanies ‘the rest’ after a word-group introduced by ‘except.’”²⁴ Apodotic δέ itself is an epigraphic rarity.²⁵ But this other δέ appears to be unattested on stone.²⁶ Slings posits that perhaps the “author of the inscription had πλὴν

eat roasted or boiled.”) Here again, we find apposition, and, this time, repetition and a change in gender.

²³ Slings 1977: 279n11: “No particle is present with οἱ λοιποὶ in Hdt. 2,77,5 and Th. 5,10,10 and this passage [sc. *IG* I³ 40.52–53], too, would have been better without it.”

²⁴ Slings 1977: 279n11; Henry 1979: 288; it is certainly δέ: Dover 1978.

²⁵ Mostly we find errors: *IG* II² 908.17–18 (181–170): ὄπως δ’ ἂν καὶ ὑπόμνημα ὑπάρχει αὐτῶι περὶ τῆς πρὸς | τὸν [δ]ῆμον εὐνοίας. ἀναγράψαι [δὲ] τόδε τὸ ψήφισμα τὸν γραμματ[έα]; this was an error, erased. The mason may have had the ubiquitous phrase ἀναγράψαι δὲ τόδε τὸ ψήφισμα in mind; moreover, the purpose clause interrupted the expected flow of dependent infinitive + δέ, and this too may have contributed to the appearance of the erroneous δέ. Similarly *SEG* XLIX 1503.17–23 (ca.250); *I.Priene* 113.118–120 (84/1). At *SEG* XL 74.19–22 (322/1), ἐπειδὴ ἢ Εὐή[νωρ] Ἄκαρνάν(ιος) πρόθυμός ἐστι[ν] | περὶ τὸν δῆμον τὸν Ἀθηναίων καὶ ποιεῖ ὅτ[ι] | δύναται ἀγαθόν, εἶναι {δὲ} αὐτὸν πρόξενο[ν], the mason must have had the common phrase εἶναι δὲ αὐτὸν πρόξενον in mind. Similarly, *IG* XII.7 400.5–10: ἐπιδὴ συνβέβηκεν Χρύσιππον | β’ ὡς ἄνδρα ἀξιόλογον ἔν τε λιτοργίας καὶ πάσο[ρη] φιλοτιμ[ία] | φιλοτειμημένον ἰς τὴν πατρίδα ὑπὸ τῆς εἰμαρμένης ἀ[φαρ]|πα<σ>θῆναι, ἔτι τε καὶ τὴν θυγατέραν αὐτοῦ Ἀφροδισίαν ἔν | τῷ ἄν[θ]ι τῆς ἡλικίας, παραμυθίσασθαι {δὲ} τὴν σύμβιον αὐτοῦ | Ὀρβάναν; here, I suspect influence from a pattern common in Amorgan consolation decrees: *IG* XII.7 52.11–12: παραμυ|θηθῆναι δὲ αὐτοῦ τὴν μεταλλα[γήν]; 53.20–21; 54.16–17; perhaps even 239.37–39; 394.20–22; 399.11–12. All of these look like outright errors, not apodotic δέ. A curse tablet from Olbia perhaps provides firmer ground; *SEG* XXXVII 673, with XLVII 1191 (IV/III): [ὦ]σπερ σε ἡμεῖς οὐ γεννώσκομεν, οὕτως Εὐπο[λι]ς καὶ Διονύσιος, | Μακαρέυς, Ἄρι[σ]τοκράτης | κα<ι> Δημόπολις, [Κ]ωμαῖος, | Ἡραγόρης, ἐπ’ [όκο]ιον πράγμα παρα|γείνονται, κ[α]ὶ Λεπτίνας, | Ἐπικράτης, Ἐστιαῖος, | ἐπ’ ὅ τι πράγμα [παρα]γείνονται, ἐπ’ ὅ τι|να μαρτυρίην (sc. παραγείνονται), ο[ὗ]τοι [?]ΝΩΗΞΑΝ[?]. | {ὦ[σπερ] ἡμεῖς σε} [ῆ]ν δέ μοι αὐτοῦς | κατάσχησ καὶ κ[α]τα|λάβης, ἐ<γ>ὼ (ΕΠΩ stone) δέ (*SEG* XLVIII 1014) σε | τεμιήσω καὶ σο[ι] ἄριστον δ[ὲ] [ρ]ορον παρασκε[υῶ]; but not rock–solid: lines 9–11 contain corrupt or unconstrued text; this may be an instance of epigraphic apodotic δέ but a clearer case would certainly be welcome. For these instances of likely erroneous—not apodotic—δέ I am grateful to Philomen Probert.

²⁶ Epigraphic Greek knew πλὴν ὅσ- and similar expressions, but no extant instance shows trailing apodotic δέ. Where δέ does follow, its use is unexceptional. See, e.g., *IG* II²

ὄσοι in mind but changed it to ὄσοι μὴ, being more *recherché*” but then forgot that he had changed his mind so that traces of “the first expression lingered” (1977: 279). In other words, Antikles had a thought, but then had a conflicting thought as a result of an apparent expressive predisposition (the text does not seem otherwise “*recherché*”), but then forgot that he had had the second thought, so that the phrase for “except” resides not in the text but in a conjectured reconstruction of the cognitive process of composition.

A number of important interpretations as to whom the clauses addressed and what they were meant to accomplish have been advanced on the basis of such understandings of the grammar. Against Gauthier’s strong objections that Athens cannot have called Athenians *xenoi*, Fornara argued that the act was framed in response to a Chalkidian question: “What precisely is to be the status of non-Chalcidians in Chalcis?” and that to this Athens began its reply, “As to your *xenoi*”²⁷ This is attractive. But Fornara thinks the first group of aliens at Chalkis was a sizeable population of Athenians who, before the revolt of 446, must have taken advantage of Chalkis’s desire to win favor from Athens, and so acquired both *egktesis* and ownership of significant landholdings, and who subsequently exploited circumstances to secure total immunity from taxation at Chalkis. He concludes that these aliens were—not merely included—Athenian citizens. Thus, the periphrasis designated simply “Athenians resident in Chalkis.” That does not seem plausible; the much simpler phrase would have made fine sense in both Athenian and Chalkidian contexts.

Giovannini proposed that the first excepted group represented: (1) Chalkidian metics who may visit Athens for trade and stay long enough to be designated metics there also, and (2) Athenian metics who may visit Chalkis for trade and stay long enough to be called resident, i.e., metics, there also. The purpose of the regulation, he argues, was to prevent either group from becoming liable to liturgies or *eisphora* simultaneously in two polities (2000: 68–71). Giovannini’s second exception could make sense: if Athens had already registered a man as a metic, Chalkis could not do the same, could not levy liturgies or *eisphora* on him. Athenian metics, by this measure, became a protected class that could not be subject to such taxation in both cities. But on Giovannini’s interpretation, a man who was registered as a metic at Chalkis, and who traveled on business to Athens and became registered as a metic there too, would return “home” to Chalkis henceforth to be immune from

244.90–98, 1013.31–33, 1237.88–98; *IG VII* 3074.2–7; *I.Erythrai* 9.0–5; *Milet* I.3 136.17–24; *SEG XXVI* 72.4–8, XXXIII 143.9–13, XLVIII 1404.37–42.

²⁷ Fornara 1977: 41; Gauthier, *Bull. épigr.* 2001: 152, and 1971: 66–67.

taxation in his city of permanent residence. If a metic at Chalkis wanted to avoid paying taxes, did he need only to relocate to Athens long enough to be registered as a metic, and then to return to Chalkis, thereafter to be immune? This cannot be right. Moreover, the practical hurdles involved with extracting money from an absent metic, who likely owned no real assets in either city, are considerable.²⁸ Perhaps more problematic, any non-Chalkidian with a permanent residence in Chalkis (or indeed, anyone, regardless of permanent residence), who found himself required to register as a metic at Athens, would lose that status and its consequent tax liabilities upon leaving Athens; he needed no decree to ensure that.²⁹

Ostwald steers a course between Meyer and Whitehead: “The aliens in Chalkis who reside there and fulfill no civic obligations to Athens, except for anyone who has been granted exemption by the Athenian People, must all fulfill their civic obligations to Chalkis, as do all other Chalkidians” (2002: 140). But he understands the decree to *say* (a) that if one *does not* pay Athens one *shall* pay Chalkis, in order to *convey* (b) that if one *does* pay Athens one *shall not* pay Chalkis. On this construction, the relative clause does not state an exception but the subsequent protasis, καὶ εἴ τοι δέδοται ἡ|υπὸ τῷ δέμῳ τῷ Ἀθηναίῳ ἀτέλεια, does, in spite of the absence of any indication of such in the Greek. This does not close the gap between plain reading and interpretation.

Pébarthe has advanced a different understanding of the legal and economic facts, which nevertheless assumes grammar that is quite similar to Whitehead’s: “Concernant les étrangers à Chalcis, tous les résidents qui ne paient pas en direction d’Athènes, si une atélie leur a été donnée par le peuple athénien, ceux-là paient alors en direction de Chalcis comme les Chalcidiens.”³⁰ But the suggestion posits an unparalleled ellipsis, under which **τελεῖν Ἀθήναζε** means “to pay transit taxes (when/for shipping goods) to Athens.”³¹ A solution lying closer to the Greek would be welcome.

One exists, I suggest, in a pair of close grammatical parallels that Wilhelm identified long ago, but did not explain.³² Though cited often enough, these have not enjoyed scrutiny by others either. At *I.Illion* 1.37–46 (*Syll.*³ 330), from the late fourth century B.C.E, we read:

²⁸ Gauthier, *Bull. épigr.* 2001: 151.

²⁹ Whitehead 1977: 9: a metic “can stop being one at any time simply by leaving.”

³⁰ See Pébarthe 2005: 90, an interpretation first offered at 1999: 144; same at 2000: 61. Followed by Brun 2005: 41 no.12. Again at Pébarthe 2006: 306.

³¹ The clearest parallel for the interpretation is Dem. 32.1, which refers to “contracts to and from Athens” (τῶν Ἀθήναζε καὶ τῶν Ἀθήνηθεν συμβολαίων), but this is a different and much less demanding ellipsis.

³² Wilhelm 1898: 220, and 1942: 126.

ἐπειδὴ Μαλούσιος κε[λεύει] ἐπαγγεῖλαι αὐτῷ ἤδη τὸ συνέδριον, πόσων δεῖται παρ' αὐτοῦ χρημά[των] εἰς τε τὸ θέατρον καὶ εἰς τᾶλλα κατασκευάσματα καὶ εἰς τ[ὰ] | ἱερὰ καὶ εἰς τὴν πρεσβείαν, καὶ φησι θέλειν παρόντων τῶν συ[ν] | ἔδρων ἤδη δοῦναι πάντα, ἀγαθῆι τύχῃ, δεδό[χθαι] τοῖς συ[ν] | ἔδροις ἐπαγγεῖλαι Μαλουσίω δοῦναι τοῖς ἀγωνοθέταις χρ[υσοῦς] | τρισχιλίους καὶ πεντακοσίους σὺν τοῖς πέρυσι ὀφειλο[μέ]νοις ἀ[τόκοις], | τοὺς δὲ ἀγωνοθέτας, οἷς μὲν ἂν αὐτοὶ χρήσων[ται, τ]ὰ δὲ ἄ[λλα] χρή[μα]τα θεῖναι [εἰ]ς τὸ ἱερ[ό]ν· ἂν δέ τι περιγένηται ἐ[κ]δοθέντ[ων τῶν] | ἔργων, ἀποδοῦναι Μ[αλο]υσίω·

Since Malousios bids the *synedrion* announce to him forthwith how much money it needs from him, for the theater and for the other constructions and for the sacred things and for the embassy, and (since) he says in the presence of the *synedroi* that he is willing forthwith to give everything; for good fortune; it has been resolved by the *synedroi* to ask Malousios to give the agonothetes 3500 gold staters plus the surplus money owed, without interest. **That the agonothetes, whatever they need (sc. so much for that), but the remaining money they shall deposit in the sanctuary.** If a balance remains, once the works-contracts have been let, (resolved) to return it to Malousios.

Another example appears at *P.Cair.Zen.* I 59105.1–3 (257 B.C.E):

[Α]πολλώνιος Πανακέστορι χαιρεῖν. τοῦ ἐρεβίνθου | [κα]ὶ τῆς μήκωνος ὅσοι μὲν ἂν πλῆθος εἰς σπέρμα κατὰ | [χρ]ήσησθε, [τ]ὸ δὲ λοιπὸν διατηρεῖτε.

Apollonios to Panakestor, greeting. However much of the chickpea and poppy you have used up already (sc. so much for that), but hold on to the rest.

The editors of the papyrus deemed the Greek ungrammatical. But one could instead see in both a similar ellipsis,³³ the verbal equivalent of a shrug, more colloquial than formal: “so much for that,” or “never mind,” or “forget about it.”

It appears not to have been noticed that a passage from Antiphon uses the same construction. The speaker is on trial for homicide. His opponents had brought suit against him before, but the Archon Basileus had turned the case away, apparently on grounds that only two months remained to his term, so that the process could not be completed within his magistracy (*Antiph.* 6.38, 41–42). Then, after the next Basileus took office the speaker’s opponents waited more than two months, even while the speaker was engaging in activities from which formal accusation would have barred him (44–45). Anyone else, the speaker argues, would have brought suit as soon as the new Basileus assumed office (45–46):

³³ With the Ilian text Dittenberger, *Syll.*² 169 p.273n7 (retained by Hiller von Gaertringen at *Syll.*³ 330 p.550n7) was well at ease: “*Apodosis desideratur ex usu notissimo graecorum.*”

Καὶ οἱ μὲν ἄλλοι ἅπαντες ὅσοις ἐπὶ τοῦ αὐτοῦ βασιλέως ὁ χρόνος μὴ ἐγχωρεῖ ..., οὔτοι δ' ἐπιστάμενοι μὲν τοὺς νόμους ἅπαντας, ὁρῶντες δ' ἐμὲ βουλευόντα καὶ εἰσιόντ' εἰς τὸ βουλευτήριον—καὶ ἐν αὐτῷ τῷ βουλευτηρίῳ Διὸς Βουλαίου καὶ Ἀθηναῖας Βουλαίας ἱερὸν ἔστι, καὶ εἰσιόντες οἱ βουλευταὶ προσεύχονται, ὧν κἀγὼ εἰς ἧ, ὁ ταῦτά πράττων, καὶ εἰς τάλλα ἱερά πάντα εἰσιὼν μετὰ τῆς βουλῆς, καὶ θύων καὶ εὐχόμενος ὑπὲρ τῆς πόλεως ταύτης, καὶ πρὸς τούτους πρυτανεύσας τὴν πρώτην πρυτανείαν ἅπασαν πλὴν δυοῖν ἡμέραιν, καὶ ἱεροποιῶν καὶ θύων ὑπὲρ τῆς δημοκρατίας, καὶ ἐπιψηφίζων καὶ λέγων γνώμας περὶ τῶν μεγίστων καὶ πλείστου ἄξιων τῇ πόλει φανερός ἢ· **καὶ οὔτοι** παρόντες καὶ ἐπιδημοῦντες, ἐξὸν αὐτοῖς ἀπογράφεσθαι καὶ εἶργειν ἐμὲ τούτων ἀπάντων, **οὐκ ἤξιον ἀπογράφεσθαι**.

And all other people for whom there is not time (to file suit) during the same Basileus's term (sc. so much for them)—but these men, though they know all of the laws and though they see me serving as a member of the Council and entering the Council house (and in the Council house there is a shrine of Zeus Boulaios and Athena Boulaia, and on entering the councillors pray [there], of whom I too was one, who did the same things, and in entering all the other shrines with the Council, and in sacrificing and praying on behalf of this city, and in addition to these things in having served as prytany the entire first prytany, except for two days, and in serving as *hieropoios* and sacrificing on behalf of the democracy, and in initiating votes and offering motions concerning the greatest and most valuable matters for the city I was in full public view), **yes, these men**, though present and in town, though it was possible for them to register and bar me from all of these (activities), **never saw fit to register me**.

Editors and commentators rightly see an ellipsis at the start of the lengthy sentiment (“All others for whom there is not time—but these ...”). Editors would emend.³⁴ I urge instead that Antiphon deployed the same elliptical convention that Wilhelm found in the inscription from Ilion and the Zenon papyrus, and that the Athenian decree on Chalkis did as well:

τὸς δ|ἐ χσένος τὸς ἐν Χαλκίδι, ἡόσοι οἰκῶντες | μὲ τελῶσιν Ἀθέναζε, καὶ εἴ τοι δέδοται ἠ|υπὸ τῷ δέμο τῷ Ἀθηναίον ἀτέλεια, τὸς δὲ ἄ|λλος τελεν ἐς Χαλκίδα, καθάπερ ἡοι ἄλλοι Χαλκιδέες.

that the *xenoi* in Chalkis, who, residing (there), do not pay tax to Athens, and if *ateleia* has been granted to anyone by the Athenian people, (sc. *so much for these two groups*), but that the others shall pay to Chalkis, just as the other Chalkidians (pay).

³⁴ Gernet prints “ἐγχωρεῖ ..., οὔτοι” and notes, “*Inter ἐγχωρεῖ et οὔτοι verba excidisse patet*,” a notional translation of which he supplies: “se hâte de se faire inscrire sous le suivant.”

The Greek does not contain a word or phrase denoting exception, although the particular grammatical construction implies it: “The *xenoi* of two sorts (sc. *so much for them*), but the rest shall pay.” The δὲ is not apodotic.³⁵ The relative clause *ὅσοι ... | μὲ τελοῖσιν* means “those who do not pay,” as Whitehead and others thought. The “others” (τὸς δὲ ἄλλος) do not recapitulate τὸς δὲ χσένος τὸς ἐν Χαλκίδι, but are distinguished from them, as Meyer and others thought. The latter are the subjects of an elliptical verb (μὲ τελέων *vel sim.*) and the former alone the subject of τελέων. Together, these clauses are meant to confer immunity on two constituent elements of a larger group and liability on the rest. All of this is made explicit in the Greek by an elliptical expression attested in at least two later documents and at least one fifth-century speech.

³⁵ Nor δὲ “after πλὴν,” as adduced by Dover 1978 and supported by Henry 1979, although their instincts were right. No word or phrase for “except” appears, but a logic of exception, under the different construction, which Wilhelm appears to have identified, is present. The precise function envisaged by Denniston is unclear. Most of his examples seem elliptical in a manner similar to what we see in *IG I³ 40* but are also agreeable to a *parenthetical* construction. For example, *Hdt* 4.189.1: τὴν δὲ ἄρα ἐσθῆτα καὶ τὰς αἰγίδας τῶν ἀγαλμάτων τῆς Ἀθηναίης ἐκ τῶν Λιβυσσέων ἐποίησαντο οἱ Ἕλληνες: πλὴν γὰρ ἦ ὅτι σκυτίνη ἢ ἐσθῆς τῶν Λιβυσσέων ἐστὶ καὶ οἱ θύσανοι οἱ ἐκ τῶν αἰγίδων αὐτῆσι οὐκ ὄφιές εἰσι ἀλλὰ ἰμάντινοι, τὰ δὲ ἄλλα πάντα κατὰ τῶν τὸ ἔσταλται. (“The Greeks fashioned the clothing and aegises of Athena’s cult statues after the Libyan women’s; for except that the clothing of the Libyan women is leather and the tassels [that hang] from their aegises are not snakes but thongs, [*so much for these features*] but in all other respects she is outfitted in the same way.” Or, *parenthetically*: “The Greeks fashioned the clothing and aegises of Athena’s cult statues after the Libyan women’s; for—*except* that the clothing of the Libyan women is leather and the tassels [that hang] from their aegises are not snakes but thongs, but in all other respects [*yes*]—she is outfitted in the same way.”) At least one of his examples must be parenthetical (*Pl. Leg.* 873e–874a): ἐὰν δ’ ἄρα ὑποζύγιον ἢ ζῶον ἄλλο τι φονεῦσθαι τινά, πλὴν τῶν ὅσα ἐν ἀγῶνι τῶν δημοσίων τιθεμένων ἀθλευόντά τι τοιοῦτον δράσθαι, ἐπεξίτωσαν μὲν οἱ προσήκοντες τοῦ φόνου τῷ κτείναντι, διαδικαζόντων δὲ τῶν ἀγρονόμων οἷσιν ἂν καὶ ὁποίοις προστάξει ὁ προσήκων, τὸ δὲ ὄφλον ἐξω τῶν ὄρων τῆς χώρας ἀποκτείναντας διορίσαι. ἐὰν δὲ ἄψυχόν τι ψυχῆς ἀνθρώπων στερήσθαι, πλὴν ὅσα κεραυνὸς ἢ τι παρὰ θεοῦ τοιοῦτον βέλος ἰόν, τῶν δὲ ἄλλων ὅσα τινὸς προσπεσόντος ἢ αὐτὸ ἐμπεσὸν κτείνῃ τινά, δικαστὴν μὲν αὐτῷ καθιζέτω τῶν γειτόνων τὸν ἐγγύτατα ὁ προσήκων γένει, ἀφοσιούμενος ὑπὲρ αὐτοῦ τε καὶ ὑπὲρ τῆς συγγενείας ὅλης, τὸ δὲ ὄφλον ἐξορίζειν, καθάπερ ἐρρήθη τὸ τῶν ζῶων γένος. The passage envisages two legal scenarios: homicide by non-human animal and homicide by inanimate object. In the first case, the structure is: But (δὲ) if A (except [πλὴν] for certain conditions), then (μὲν) X, and (δὲ) Y, and (δὲ) Z. The second adds a complement to the exception: But (δὲ) if A (except [πλὴν] for certain conditions, but [δὲ] [including] the rest), then (μὲν) X, and (δὲ) Y.

Some ambiguity remains. First, Greek does not demand that οἰκῶντες denote residence “(in Chalkis)”; it also permits residence in Athens, which no commentator seems to have considered. Next, wherever the aliens lived, the modality of the circumstantial participle οἰκῶντες must be inferred from context.³⁶ Finally, τελοῦσιν could be either indicative (τελοῦσιν) or subjunctive (τελῶσιν). Thus, on the interpretation suggested above and in the light of these further grammatical ambiguities, Antikles proposed “that the *xenoi* in Chalkis, who, because (/ although / when / if / on condition that) they reside (in Chalkis / in Athens), do not (/ are not to) pay tax to Athens and if *ateleia* has been granted to anyone by the Athenian people (he too) (*so much for these*), but that the others shall pay to Chalkis, just as the other Chalkidians (pay).” It appears that no one—at least not in print—has analyzed systematically the possible combinations of modality and place of residence with a view to finding a plausible construction of the rule. Let us do that here.³⁷

1.a.i: That Athenians in Chalkis, who although they live in Chalkis do/ shall not pay to Athens, shall not pay Chalkis. On this interpretation, a group of Athenian citizens who resided at Chalkis had previously received immunity from Athenian taxation, and this decree now extended that immunity to apply to Chalkidian taxes as well. This assumes the existence of an otherwise unattested practice under which Athenians residing abroad, or at least at Chalkis, were required to pay taxes to Athens, from afar. Such cannot have applied, say, to sales tax, where the challenge of compliance and enforcement would have been extreme. But if liturgies are meant, as Giovannini argued (2000: 71–74), then the clause enjoined Chalkis from requiring resident Athenians to serve, if those Athenians had already received immunity from the putative requirement to perform liturgies at Athens while residing abroad.

The liability of Athenians resident abroad to Athenian liturgies is not demonstrated. In the better documented period of the 350s B.C.E, we are not certain of the liability even of cleruchs.³⁸ And they formed a special class of

³⁶ Whitehead 1976: 258, urged that it must be “neutral, unemphatic” rather than causal or concessive.

³⁷ I omit means and manner, which do not give sense. We may exclude the possibility that the taxes at issue were a putative Chalkidian *metoikion*, for the text cannot have stipulated payment of such to Chalkis “as the other Chalkidians (pay).”

³⁸ Christ 2006: 151–52 suggests that the difficulty of nominating someone who lived abroad probably meant immunity for cleruchs, in fact if not in law, regardless of the scope of their property at home. See also MacDowell 2004: 127n4. Gabrielsen 1994:

citizen of whom the state was formally cognizant—and perhaps even of their foreign holdings.³⁹ Other Athenians abroad were a different matter.

Against Leptines' law, which barred all but the descendants of Harmodios and Aristogeiton from receiving immunities from liturgical service, Demosthenes argued that to void the *ateleia* enjoyed by the Bosporan king and honorary Athenian citizen Leukon would be to declare open season on his financial assets. Demosthenes could hardly imagine that anyone nominated to a liturgy would not initiate *antidosis* against the king!⁴⁰ Leukon would be an easy target, at once rich and unavailable to defend himself in court.⁴¹

87–90, holds that cleruchs' properties abroad were to be immune from consideration and assessment toward duty, but that “if in possession of sufficient property at Athens” (88), the cleruchs themselves were still liable. The key source is Dem. 14.16: ἐὰν γὰρ τοῦτ' ἀποδείξητε τὸ πλήθος, ἡγοῦμαι, τῶν ἐπικλήρων καὶ τῶν ὄρφανῶν καὶ τῶν κληρουχικῶν καὶ τῶν κοινωνικῶν καὶ εἴ τις ἀδύνατος ἀφαιρεθέντων, ἔσσεσθαι χίλια καὶ διακόσια ταῦθ' ὑμῖν σώματα (“For if you set this as the number, I reckon—once the *epikleroi*, orphans, *klerouchika*, *koinonika*, and anyone who is incapable are subtracted—you will have twelve hundred individuals”). *Orphanoi* is a category of persons, whereas *klerouchika* and *koinonika* are not; if Demosthenes had meant to indicate that cleruchs were personally immune he would have specified κληρούχων rather than κληρουχικῶν. The two positions need not be mutually exclusive: perhaps the exception of *klerouchika* referred to cleruchs' holdings abroad, but that foreign residence would have made successful nomination of cleruchs, in most cases, too difficult to be worth the fuss, even if their domestic holdings were sufficient to warrant nomination and they themselves were *de iure* liable.

³⁹ For possible records of cleruchic holdings abroad see Morrison 2003: 109–13; *JG* I³ 44 [=Agora XIX L1]; 418 [=Agora XIX L2], the famous list of Euboian *temene* long thought to have been recorded after the Athenian conquest of 446/5; 420. A passage in the Aristotelian *Oikonomika* mentions *eisphora* imposed by Athenian cleruchs on the Potidaians, a local initiative: Arist. [*Oec.*] II 1347a18–24. See van Groningen 1933: 76; Zoepffel 2006: 20; Thomsen 1964: 41–42. Moggi 1979: 137–42, prefers the fourth century to the fifth. Cargill 1995: 194 suggests that the assessed property here may have included only what cleruchs possessed over and above their *kleroi*. Christ 2007: 55n8 notes on the basis of this episode “that the *eisphora* could be levied more broadly within a state”; presumably, this is not meant to suggest imposition by Athens.

⁴⁰ Dem. 20.40: καὶ μὴν οὐδ' ὅπως οὐκ ἀντιδώσει τῷ Λεύκωνι τις, ἂν βούληται, δύναμαι σκοπούμενος εὐρεῖν. χρήματα μὲν γὰρ ἔστιν αἰεὶ παρ' ὑμῖν αὐτοῦ, κατὰ δὲ τὸν νόμον τοῦτον, ἐάν τις ἐπ' αὐτ' ἔλθῃ, ἢ στερήσεται τούτων ἢ λητουργεῖν ἀναγκασθήσεται (“And in fact, upon consideration, I cannot see how one would *not* bring an *antidosis* challenge against Leukon, if he wishes.”). A citizen (Dem. 20.30): ἔστι γὰρ γένει μὲν δήπου ὁ Λεύκων ξένος, τῇ δὲ παρ' ὑμῶν ποιήσει πολίτης (“For while Leukon may be a foreigner by birth, he is a citizen by adoption by you”).

⁴¹ Of course, *antidosis* claims were made largely against visible assets, of which Leukon will not have had many at Athens; Demosthenes speaks of χρήματα—here, most likely

But Leukon was a special case and Demosthenes' hypothetical does not demonstrate anything about normal liability.⁴² The difficulty in compelling Athenian citizens resident abroad to serve as, say, *choregos* probably meant that in practice liability stopped at the border. The logistics of bringing or responding to *antidosis* claims would have made engagement by Athenians resident abroad a great challenge; they would have had to be present to object to their nomination or else respond to *antidosis* claims brought against them; they might have had to stay in town for weeks or months during the process of inspection and possible adjudication through *diadikasia*.⁴³ Target selection for proposed *antidosis* could apparently be strategic,⁴⁴ but we do not read of opportunistic claims brought against Athenians resident abroad, which would have become common if such individuals had been liable. Long-term absentees do not appear to have been called to liturgies.

The fourth century was not the fifth, but, even so, it seems scarcely possible that at the time of IG I³ 40's passage Athens asserted a right to demand liturgical service from its citizens living abroad.

1.a.ii: That non-Athenians in Chalkis, who *although they live in Chalkis* do/shall not pay to Athens, shall not pay Chalkis. Under this interpretation, the clause confers on a group of *non*-Athenians that has already received immunity from Athenian taxation further immunity from Chalkidian taxation. This assumes law under which Athens required non-Athenians resident elsewhere than Athens to pay taxes to Athens. Here again, liturgical service should be the issue. On the face of it, the plausibility of compelling non-Athenians living abroad to perform liturgies for Athens seems quite remote. And yet one litigant appears to claim that his father, a citizen of Mytilene, has served Athens just so (Antiph. 5.77):

money—which will have been invested and invisible. On concealment of assets see Christ 2006: 191–94; Cohen 1992: 191–201; Gabrielsen 1987: 99–114.

⁴² Cf. Giovannini 2000: 68: “Comme Leucon ne résidait évidemment pas à Athènes de manière durable, ce texte prouve *qu’il n’était même pas nécessaire de résider dans une cité, que ce soit comme citoyen ou comme étranger, pour y être astreint à une liturgie*: ce qui était déterminant, c’était d’y avoir des biens, mobiliers ou immobiliers, et c’était sur ces biens, indépendamment de la présence physique de leur propriétaire, que celui-ci pouvait être astreint à une liturgie” [his emphasis]. Kremmydas 2012: 264 notes that “the *ateleia* conferred on Leukon did not carry any practical benefits for him. Although he was made an Athenian citizen, he was not resident at Athens, [and] therefore he did not have the same responsibilities as ‘normal’ citizens, *i.a.* the performance of liturgies, or army service, which were conditioned on residence in Athens.”

⁴³ See Dem. 42 *passim* on procedure.

⁴⁴ See, e.g., Lys. 3.20, 4.1–2; Dem. 28.17; Christ 1990: 147–69.

ἐπεὶ δ' ὑμεῖς τοὺς αἰτίους τούτων ἐκολάσατε, ἐν οἷς οὐκ ἐφαίνετο ὦν ὁ ἐμὸς πατήρ, τοῖς δ' ἄλλοις Μυτιληναίοις ἄδειαν ἐδώκατε οἰκεῖν τὴν σφετέραν αὐτῶν, οὐκ ἔστιν ὃ τι ὕστερον αὐτῷ ἡμάρτηται[, τῷ ἐμῷ πατρί], οὐδ' ὃ τι οὐ πεποιῆται τῶν δεόντων, οὐδ' ἦς τινος λητουργίας ἢ πόλις ἐνδεῆς γεγένηται, οὔτε ἡ ὑμετέρα οὔτε ἡ Μυτιληναίων, ἀλλὰ καὶ χορηγίας ἐχορήγει καὶ τέλη κατατίθησιν.

But once you punished those who were guilty of these things [i.e., revolt against Athens], among whom my father was not found to be, and granted to the other Mytilenians the concession to inhabit their own property, there has been no wrong committed by him subsequently, nor anything needed that he has not done, not even any liturgy that the city has needed, neither yours nor the Mytilenians', but he is even in the habit of performing *choregiai* and he pays *tele*.

Now, this case is not precisely parallel, since it speaks to the obligations of a subject-city's citizenry, rather than its aliens. But it bears on the liability of non-Athenians living outside Athens. The Greek, though, is opaque. We do not know what the *tele* were. The *choregiai* may have been performed at and for Mytilene.⁴⁵ But the speaker seems to assert that his father performed whatever services Athens and Mytilene needed. Perhaps he is dissembling, or implying that to serve Athens's subject is to serve Athens, or that his father had volunteered for some service whose performance law did not compel. Perhaps he speaks of general service and not the narrower set of obligations associated with the word 'liturgy'.⁴⁶ Perhaps "these services are to be distributed chiasmally—*khoregiai* for Mytilene, taxes for Athens," and perhaps the Athenian convention of proving one's virtue by referring to liturgical service was so powerful that "citizens of subject-states on trial in Athenian courts did their best to conform to it, even if, as is likely in this case, the *khoregiai* had nothing to do with Athens and τέλη was a somewhat flattering term for the 5 per cent flat-rate of imperial tribute or the rents due to the Athenian *kleroukhs*"; but even so, "[i]t would however be interesting to learn that very rich citizens of subject cities were called on to perform certain *khoregiai* in Athens."⁴⁷ But if Athens reserved the right to compel foreign subjects to per-

⁴⁵ Gagarin 1997: 213.

⁴⁶ This does appear to be the earliest use of the term in Attic prose; Lewis 1960: 181, 182, however, suggests that the word's use in this passage is consistent with classical, fifth-century practice, meaning trierarchy, *choregia*, gymnasiarchy, etc., and with later, late fifth-/early fourth-century, use, meaning "any service to the community."

⁴⁷ Wilson 2000: 182, 361n97. The chiasmus seems a weak explanation, since οὔτε ἡ ὑμετέρα οὔτε ἡ Μυτιληναίων clearly qualifies the preceding ἢ πόλις and is separated from the following καὶ χορηγίας ἐχορήγει καὶ τέλη κατατίθησιν with ἀλλὰ.

form liturgies at Athens, *philotimia* alone could not have kept Athenians from routinely bringing *antidosis* challenges against such vulnerable foreigners. If such a gaping loophole had been available, how many Athenians would have served? This scenario is improbable.

1.b.i: That Athenians in Chalkis, who *although they live in Athens* do/shall not pay to Athens, shall not pay Chalkis. This interpretation presupposes an enactment under which certain Athenians who had been granted immunity from taxation at Athens were to enjoy the same protection from Chalkidian taxes. Athenians were on occasion granted immunity from liturgical service.⁴⁸ This construction of the clause is, therefore, possible.

1.b.ii: That non-Athenians in Chalkis, who *although they live in Athens* do/shall not pay to Athens, shall not pay Chalkis. On this interpretation, the clause excepted from Chalkidian taxation any alien in Chalkis who had been granted immunity from Athenian taxation even if he should reside in Athens. Athenian grants of ἀτέλεια τοῦ μετοικίου, for example, were just such an exception. This interpretation, then, is possible, and also analogous to the exemption that immediately follows (54–55). In both cases, those who by special grant did not pay Athens now could not be made to not pay Chalkis.

2.a.i: That Athenians in Chalkis, who *because they live in Chalkis* do/shall not pay to Athens, shall not pay Chalkis. On this construction, Athenians who had or would shed liability to Athenian taxation by moving to Chalkis were to be immune to taxation by Chalkis; this would have made Chalkis a tax-free zone for any Athenian who wished to relocate there. This is conceivable.

2.a.ii: That non-Athenians in Chalkis, who *because they live in Chalkis* do/shall not pay to Athens, shall not pay Chalkis. This would have exempted all non-Athenian non-Chalkidians resident at Chalkis from taxation by Chalkis. There is no reason to think Athens would have cared about privileges belonging to those who enjoyed none at Athens. But this is perhaps not inconceivable, as a brutal punishment: it would have barred Chalkis from taxing virtually all metics.

2.b.i: That Athenians in Chalkis, who *because they live in Athens* do/shall not pay to Athens, shall not pay Chalkis. This scarcely makes sense. No Athenian was exempt from Athenian taxation *because* he lived in Athens (unless this is a clumsy way of expressing 1.b.i). This is unlikely.

⁴⁸ E.g., Dem. 20.29, 67–87.

2.b.ii: That non-Athenians in Chalkis, who *because they live in Athens* do/shall not pay to Athens, shall not pay Chalkis. As an expression of normative procedure this is nonsense (unless it be a clumsy way of expressing 1.b.ii; as with 2.b.i). This is unlikely.

3.a.i: That Athenians in Chalkis, who *when they live in Chalkis* do/shall not pay to Athens, shall not pay Chalkis. This is effectively equivalent to 2.a.i above, tax immunity for any Athenian wishing to reside in Chalkis, or else, as 1.a.i above, expresses an exception to an otherwise unattested regulation under which Athenians residing at Chalkis *were* required to pay taxes to Athens.

3.a.ii: That non-Athenians in Chalkis, who *when they live in Chalkis* do/shall not pay to Athens, shall not pay Chalkis. This is effectively equivalent to 2.a.ii above, tax immunity for any non-Athenian, non-Chalkidian wishing to take up residence in Chalkis.

3.b.i: That Athenians in Chalkis, who *when they live in Athens* do/shall not pay to Athens, shall not pay Chalkis. This means that any Athenian who does not pay taxes to Athens when he lives in Athens shall not pay taxes to Chalkis when he is present in Chalkis. As with 1.b.i above this is a possible interpretation.

3.b.ii: That non-Athenians in Chalkis, who *when they live in Athens* do/shall not pay to Athens, shall not pay Chalkis. This scenario is not unlike that of 1.b.ii above, an extension of *ateleia* in Athens and granted by Athens, so that recipients of this award were able to claim the same exemption in Chalkis. This too is possible.

4.a.i: That Athenians in Chalkis, who *if/provided that they live in Chalkis* do/shall not pay to Athens, shall not pay Chalkis. This interpretation is plausible only if we assume the existence of an otherwise unattested policy at Athens under which Athenians resident in foreign cities were nevertheless eligible for liturgical service at Athens (see 1.a.i above).

4.a.ii: That non-Athenians in Chalkis, who *if/provided that they live in Chalkis* do/shall not pay to Athens, shall not pay Chalkis. This is even less likely than the preceding inasmuch as it posits (unattested) policy under which non-Athenians resident outside Athens were liable to Athenian taxation.

4.b.i: That Athenians in Chalkis, who, *if/provided that they live in Athens* do/shall not pay to Athens, shall not pay Chalkis. This interpretation is not impossible, as with 1.b.i and 3.b.i above.

4.b.ii: That non-Athenians in Chalkis, who, if / provided that they live in Athens do/shall not pay to Athens, shall not pay Chalkis. This is essentially the same plausible scenario suggested by interpretations **1.b.ii** and **3.b.ii** above.

This is a lot to digest. But a couple of facts emerge. First, a great deal rides on the plausibility of **1.a.i**, namely the existence of law or convention in accordance with which Athenian citizens resident abroad—or at least in Chalkis—were liable to Athenian liturgical service. There is, so far as I know, no compelling evidence for such law, but if it did exist then *IG I³ 40* may have extended this immunity to cover Chalkidian taxation as well. If so, then **1.a.i**, **3.a.i**, and **4.a.i** above may be possible interpretations. In the absence of positive evidence, however, it is hard to accept these as probable. If we strike them and the other unlikely candidates, we are left with two basic possibilities.

First, **2.a.i + 2.a.ii, 3.a.ii: That Athenians and non-Athenians in Chalkis, who because they live in Chalkis do/shall not pay to Athens, shall not pay Chalkis; and That non-Athenians in Chalkis, who when they live in Chalkis do/shall not pay to Athens, shall not pay Chalkis.** This will have amounted to a brutal curtailment of Chalkis's right to tax aliens within its borders, stipulating that all non-Chalkidians who do not pay taxes to Athens as a result of their residence in Chalkis—in effect, all non-Chalkidians—are to be immune from taxation by Chalkis. Empires do harsh things. But under this interpretation Chalkis could not tax any aliens, so that “the others” (τὸς δὲ ἄλλος) cannot have existed. Thus, the clauses were not simply meant to confer immunity on any non-Chalkidian who took up residence in Chalkis and therefore was not (or, in case of an Athenian, no longer was) liable to Athenian taxation.

The remaining and, I suggest, correct scenario is **1.b.i&ii, 3.b.i&ii, 4.b.i&ii: That Athenians and non-Athenians in Chalkis, who although / when / if / provided that they live in Athens do/shall not pay to Athens, shall not pay Chalkis.** In an argument meant to minimize the ranks of the immune at the time (355 B.C.E), Demosthenes put the number of citizens with *ateleia* at around five or six, and metics at ten, which must have been low estimates.⁴⁹ In the fourth century, some metics were honored with immunity from Athenian taxation, on condition of residence in Athens. Immunity from the metic tax was inherently conditional⁵⁰ and as a legal fact this might be left unsaid,⁵¹ for

⁴⁹ Dem. 20.21; low estimate: Hagemajer Allen 2003: 204–5. Demosthenes' estimate of the total number of liturgies per year is dramatically low.

⁵⁰ Restored but likely: *IG II² 61.8–11*: ἔναι Ἄ|[..... τῶι Σ]ικελιώτη|[ι ἀτέλειαν τῶ] μετοικί|[ο οἰκῶντι Ἀθῆν]ησι.

⁵¹ *IG II² 245.9–11*: εἶναι [δὲ πᾶσι | τοῖς φεύγουσι τῶν] Βοιωτῶν τὴν [ἀ]τέλ[ει]α[ν τῶ] μ[ετοικίου]· καλέ]σαι δὲ καὶ ἐπὶ ξένια.

metic status entailed legal residence. Concurrent grants of *egktesis* and *ateleia* necessarily recognized a connection between residence and immunity.⁵² A number of special grants from the fourth century did as well. In 363/2 Athens decreed citizenship to Astykrates, who along with several others had been exiled from Delphi, their property there having been confiscated (*CID* II 67–72); to him went *ateleia* “while” (or “provided that” or “so long as”) he resided at Athens.⁵³ A return to Delphi would end his status, and the immunity. The Akarnanians whom Athens honored in 338/7 were to enjoy *egktesis* and immunity from the metic tax only until they returned home.⁵⁴ Grants of *isoteleia* were similarly conditional.⁵⁵ Thus, in fourth-century Athens tax-immunity/-equality and residence were tightly related. Conferral of these privileges is less well attested in the fifth century, but it must be stressed that the *metoikia* itself was both a privilege and an automatic consequence of prolonged presence.⁵⁶ Beyond a month or so,⁵⁷ in the eyes of Athenian law, presence and residence were the same fact. And while the privilege included access to the judicial system, to ritual, and to military service (in all three cases, less than a citizen’s but more than a non-metic alien’s), what looms largest in the evidence is the “privilege” of contributing the *metoikion* and, depending on wealth, *eisphora* and liturgies. A metic was, by definition, an alien who was present long enough to be required to pay his or her fair share of *tele*.⁵⁸

⁵² E.g., *IG* II² 8.17–19: ἔναι Ἡρακλεῖδῃ γῆς ἔγκτησιν καὶ οἰκίας Ἀθήνησι καὶ ἀτέλειαν; 53.1–3: ἔἴναί τε αὐτῶν καὶ οἰκίας ἔγκτησι καὶ ἀτέλειαν αὐτῶν καὶ τοῖς ἐκγόνοις Ἀθήνησι.

⁵³ *IG* II² 109.b.15–16: εἶναι δὲ αὐτῶν καὶ ἀτέλειαν οἰκῶντι Ἀθήνησι.

⁵⁴ *IG* II² 237.22–26: ἐπαινέσαι δὲ καὶ τοὺς | [ἄλλο]σ[υ]ς Ἀκάρων ἄνδρας τοὺς βοῶντες ἠθήσαντας μετὰ Φορμίω[νος] καὶ Καρφίω[να] καὶ εἶναι αὐτοῖς, ἕως ἂν κατέλθωσι ἐν ἔγκτησιν ὧν ἂν οἰκιστῶν βούλωνται οἰκοῦσιν Ἀθήνησι ἀτελέσι τῷ μετοικίῳ. Similarly, though heavily restored, *IG* II² 545.8–15 (after 318/17); for other grants to exiles and fugitives see *IG* II² 33.5–8 (ca. 385); *IG* II² 211.1–15 (348/7).

⁵⁵ *IG* II² 276.12–15 (before 336/5): [εἰ]ναι δὲ αὐτῶν καὶ ἰσοτέλειαν καὶ ἐγκλίνοισι οἰκοῦντι Ἀθήνησιν καθάπερ τοῖς | ἄλλοις ἰσοτελέσι; 287.2–7 (before 336/5): δ[ε]δοσθαι | αὐτοῖς ἰσοτέλειαν οἰκοῦσιν Ἀθήνησιν [καὶ] τ[ὰς] εἰσφοράς εἰσφέρειν καὶ τὰ τέλη τελεῖν καθάπερ Ἀθηναῖοι, καὶ τὰς στρατείας | στρατεύεσθαι μετὰ Ἀθηναίων.

⁵⁶ For recent discussion of ordinary and “privileged” metics see Kamen 2013: 43–61.

⁵⁷ On duration see Whitehead 1977: 7–10; on terms and definitions 6–20 is fundamental.

⁵⁸ Ar. Byz. (Nauck) 38: μέτοικος δὲ ἐστὶν ὁπότεν τις ἀπὸ ξένης ἐλθὼν ἐνοικῆ τῇ πόλει, τέλος τελῶν εἰς ἀποτεταγμένας τινὰς χρείας τῆς πόλεως, ἕως μὲν οὖν ποσῶν ἡμερῶν παρεπίδημος καλεῖται καὶ ἀτελής ἐστίν, ἐὰν δὲ ὑπερβῆ τὸν ὠρισμένον χρόνον, μέτοικος ἤδη γίνεται καὶ ὑποτελής (“One is a metic whenever, having come from a foreign place,

Tax-liability and residence were two sides of a coin. No award of immunity can have been granted, and especially not to a metic, without consideration of its being conditional on residence.

The particular phrasing, which has troubled moderns, arose out of a common ancient formula. “To have *ateleia*” (εἶναι τινη ἀτέλειαν) was “not to pay *tele*” (μὴ τελεῖν); “to have *ateleia* on condition of residence at Athens” (εἶναι τινη ἀτέλειαν οἰκοῦντι Ἀθήνησι)⁵⁹ would have been “not to pay *tele* on condition of residence at Athens” (μὴ τελεῖν οἰκοῦντα Ἀθήνησι *vel sim.*). Someone with *ateleia* Ἀθήνησι did not enjoy immunity “from taxes (sc. otherwise to be paid) to Athens,” but rather “from taxes while at Athens”⁶⁰; the lone dative bespoke a condition of presence or, more likely, residence, and was cognate with the common phrase, εἶναι τινη ἀτέλειαν οἰκοῦντι Ἀθήνησι. The awarding of privileges “on condition of residence at Athens” was common in the fourth century, and was inevitably conveyed with a circumstantial participle.⁶¹ If the decree on Chalkis were uttered then, the words *hósoi oikóntontes*

one dwells in the city, paying taxes toward any appointed uses of the city. For up to so many days, then, one is called a ‘visitor’ and is not liable to the tax, but if one exceeds the designated time, one becomes a metic forthwith and is liable.”).

⁵⁹ See, e.g., *IG II²* 109.b.15–16 (363/3): εἶναι δὲ αὐτῶι κα[ὶ ἀτ]έλειαν οἰκόντι Ἀθήνησι.

⁶⁰ See, e.g., *IG II³* 53.1–3 (before 387/6): ἔ[να]ι δὲ αὐτῶι καὶ οἰκίας ἐγκτησιγ καὶ ἀτέλ[ειαν αὐτῶι] καὶ τοῖς ἐκγόνοις Ἀθήνησι.

⁶¹ Such bore considerable weight. In the decree on Chalkis, the Athenian oath requires takers to swear fulfillment “for the Chalkidians, provided that they obey the people of Athens” (*IG I³* 40.14–16): ταῦτα δὲ ἐμπ[ε]δόσο Χαλκιδεῦσιν πειθόμενοις τῶι δέ[μ]οι τῶι Ἀθηναίον). An Athenian decree of 387/6 likewise predicates powers to be enjoyed by Klazomenai and actions barred to Athens (*I.Erythrai/Klazomenai* 502.6–13, with *SEG LIX* 101). An Athenian alliance with Chios promises freedom and autonomy provided that the Chians do not transgress the written terms: *IG II²* 34.15–19 (384/3). Ambiguities around such can be problematic. The second amendment to the United States Constitution begins with an ambiguous participial phrase: “A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.” The opinion of the United States Supreme Court in *District of Columbia v. Heller*, 554 U.S. 570 (2008) p.2–4 (also Syll. 1.a p.1), held that the prefatory (participial) clause indicated purpose and thus did not limit the operative clause that followed; that (p.3) “The Amendment could be rephrased, ‘Because a well regulated Militia is necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.’” And (p.26) the “prefatory clause announces the purpose for which the right was codified: to prevent elimination of the militia.” This seems to conflate what antiquity regarded as distinct motives: (1) “in order that X may be the case, Y is decreed,” and (2) “since X is the case, Y is decreed.” In any case, it is clear that the prefatory clause *could not* be rephrased, “so long as/provided that a well regulated militia is necessary to the

μὲ τελοῖσιν Ἀθέναζε would likely have sounded to the Athenian ear like the familiar formula. But the expression μὴ τελεῖν introduced an element that was implicit in Athenian grants of *ateleia*: the entity to whom payment was (not) offered, here Ἀθέναζε. For an Athenian legislator, articulating the fact of previously awarded immunity, at Athens, as applied to someone who was subsequently at Chalkis, was a task that required more than boilerplate alone. And so while Antikles did not need to specify Ἀθήνησι, which was obvious in context, formulaic, he had to be very clear that the precondition for immunity at Chalkis was immunity “back at Athens,” where aliens covered by the clause had previously resided. And so, rather than a putative fuller expression, *hósoi oikōntes Ἀθένεσι μὲ τελοῖσιν Ἀθέναζε*, we find the shorter phrase, *hósoi oikōntes μὲ τελοῖσιν Ἀθέναζε*.

But if the clauses envisage payment *at* Athens, rather than payment *to* Athens from a remote location, why stipulate Ἀθέναζε? The suffix *-δε* does overwhelmingly indicate motion hither in the inscriptions. But not always. Under a provision of Archestratos’s rider, Chalkidians were to retain the right of *euthyna* except in cases where punishment was exile, death, or disfranchisement; in such cases “there shall be *epheisis at Athens* (Ἀθέναζε) to the *heliaia* of the Thesmothetai.”⁶² The nearly contemporary Eleusinian first fruits decree stipulates “that the demarchs collect deme by deme and hand (the grain) over (παραδιδόναι) to the *hieropoioi*-from-Eleusis **at Eleusis** (Ἐλευσινάδε).”⁶³ Now, in both cases motion was not explicit in the grammar, but inherent in the real-world process: litigants had to go to Athens in order to bring the case to the *heliaia*⁶⁴; demarchs had to go to Eleusis in order to deliver the grain. Motion

security of a free state”). This would limit the operative clause. For syllabus, opinion, and dissents see: <http://www.law.cornell.edu/supct/html/07-290.ZO.html>.

⁶² *IG I³* 40.74–76: *περὶ δὲ τούτων ἔφεσιν ἕνα|ι Ἀθέναζε ἐς τὴν ἐλιαίαν τὴν τῶν θεσμοθ|ετῶν*. See also *IG II²* 1128.20–21: *εἶν|αι [δὲ] καὶ ἔφεσιν Ἀθήναζε καὶ τῶι φήναντι καὶ τῶι ἐνδεί|ξαντι*.

⁶³ *I.Eleusis* 28a.8–10 [= *IG I³* 78a.8–10]: *ἐγλέγεν δὲ [τὸς δ]εμ|άρχος κατὰ τὸς δέμος καὶ παραδιδόναι τοῖς hieropoiois τοῖς |Ἐλευσινόθεν Ἐλευσινάδε*.

⁶⁴ In the case of *epheisis*, a degree of motion was also inherent in the word’s etymology (ἐφήμι): one appealed “to” (εἰς) a venue. See e.g., *IG II²* 1128.20–21 above; also [*Ath. Pol.*] 45.2: *οὐ κυρία δ’ ἡ κρίσις, ἀλλ’ ἐφέσιμος εἰς τὸ δικαστήριον ... ἔφεσις δὲ καὶ τούτοις ἐστὶν εἰς τὸ δικαστήριον*; Dem. 57.6: *εἰ γὰρ πάντ’ ἐνομίσετε τὰ δίκαια δυνήσεσθαι τοὺς δημότας διακρίναι, οὐκ ἂν ἐδώκατε τὴν εἰς ὑμᾶς ἔφεσιν* (“For if you were of the view that the demesmen could decide all cases justly, you would not have granted the right of appeal to you”). Thus, inasmuch as “εἰς + accusative” could be equivalent to the suffix *-δε*, one could appeal “to Athens to the *heliaia*.” In English one “brings charges,” “goes to court,” or “takes someone to court” without stressing physical motion.

was implicit and the suffix indicated location rather than movement.⁶⁵ For the Chalkidian readers of *IG I³ 40*, to contemplate the liability of a person who was in Chalkis, but who had formerly resided in Athens, was to envisage activity in another place and time, “over there,” “back at Athens.” For an Athenian legislator trying to capture that nuance, Ἀθέναζε fit the bill.⁶⁶

Moreover, in an important and apparently unrecognized sense, the clauses explain themselves. The text denotes payment “to Chalkis” with εἰς. To pay *to* Chalkis, *at* Chalkis, was to pay ἐς Χαλκίδα. If “τελεῖν εἰς + accusative place” indicates payment to and at, then why write Ἀθέναζε rather than ἐς Ἀθήνας? The short answer seems to be that in early Attic documents one simply did not go or send ἐς (or εἰς) Ἀθήνας (or Ἀθήνας).⁶⁷ The suffix was preferred.⁶⁸ If one did not go εἰς Ἀθήνας, neither did one pay εἰς Ἀθήνας. It does not matter that the same decree has Chalkidians swear, “I shall pay tribute unto the Athenians (τὸν φόρον ὑποτελῶ Ἀθηναίοισιν), whatever I persuade the

⁶⁵ An undated Rhodian inscription honored Teleutias for a victory at Olympia (*IG XII.1 76*): Τελευτία Ναυσικλείδου | νενικηκότι Ὀλυμπίαζε | ξυνωρίδι | Καμειρῆς τιμῆς ἔνεκεν. Early in Greek literature, ἐνθάδε meant here/there rather than (strictly) hither/thither (LSJ s.v.); see the innumerable and often early examples of ἐνθάδε κεῖται on epitaphs. When the Bosporan king Satyros came to suspect that the son of his trusted subject Sopaïos was conspiring with exiles in Athens, he ordered “those visiting here from Pontos” to seize the young man’s assets and ship him back home (Isoc. 17.5): ἐπιστέλλει δὲ τοῖς ἐνθάδ’ ἐπιδημοῦσιν ἐκ τοῦ Πόντου τά τε χρήματα παρ’ ἐμοῦ παραλαβεῖν καὶ αὐτὸν εἰσπλεῖν κελεύειν. These men had traveled from Bosporos *to this place* (i.e., Athens) *from Pontos*, but their location, not their prior journey, mattered here. Still, they had gone from Bosporos *to Athens* as any member of the jury will have understood. See also Men., *Georg.* 18–19: οὐκ οἶδα γὰρ τὸν ἀδελφὸν εἰ νῦν ἐξ ἀγροῦ | ἐνθάδ’ ἐπιδημεῖ (“For I do not know whether her brother is now here, back from the country”), where the emphasis is presence “here” rather than movement “hither.”

⁶⁶ Perhaps especially so, if the language was framed in dialogue, as envisaged by Fornara 1977: 41. I owe this observation to N. Papazarkadas, who kindly read an early draft of this paper.

⁶⁷ An exception appears to be a funerary poem, where ἐς Ἀθήνας fits the meter; this proves nothing, but it stands out as exceptional nonetheless. *IG I³ 1353.4–6* (ca.445–425 B.C.E.): οὗτος ἀνὴρ, ὃς ἔ<σ>οῖσεν Ἀθηναίων τρηξ φυλάς / ἐκ Παγᾶν ἀγαγῶν διὰ Βοιωτῶν ἐς Ἀθήνας, / εὐκλίεισε Ἀνδοκίδαν δισχίλοις ἀνδραπόδοισιν. Examples in literature, on the other hand, are not rare.

⁶⁸ For Chalkis, the opposite rule prevailed: nowhere in attested Greek literature did one go or send to Chalkis with –δε, but rather with εἰς. Andocides claims to have served as *archetheoros* εἰς Ἴσθμόν καὶ Ὀλυμπίαζε (1.132). Ἴσθμόνδε is a late oddity, appearing only at Julian, Πρὸς Ἡράκλειον 8.

Athenians (to assess).⁶⁹ The verb ὑπο-τελεῖν with *phoros* or *syntaxis* as direct object indicates the payee with the dative, conveying *submission* of payment (see also ὑποτελής). A Chalkidian would no more swear, τὸν φόρον ὑποτελῶ Ἀθέναζε, than a fifth-century Athenian legislator would exempt those who τελοῦσιν ἐς Ἀθέναν. In this time and place at least, to pay –δε meant the same as to pay εἰς, and neither implied anything about the relative geography of payer and payee.

Finally, this particular provision invokes a prior civic enactment, namely that certain individuals enjoy immunity from Athenian taxation, on condition of residence there. This speaks of compulsion and entitlement, so that τελοῦσιν could be subjunctive and not necessarily indicative: those individuals who are not to pay Athens are not to pay Chalkis.

If these arguments are accepted then the intent of Antikles' provisions was—in sharp contrast to our modern reconstructions—to render both major categories of tax-immunity portable, so that (1) all individuals to whom Athens had granted immunity from Athenian taxation on condition of residence at Athens, along with (2) all to whom Athens had granted immunity that was not so limited, could carry those immunities with them to Chalkis, which would be barred from taxing them. If you were privileged at Athens you were privileged at Chalkis. The clause ensured “that the *xenoi* in Chalkis, (1) who,

⁶⁹ IG I³ 40.25–27: κ[α]ὶ τὸν φόρον ὑποτελῶ Ἀθηναίοισιν, ἢν | ἂν πείθο Ἀθηναίος. Cf. Pébarthe 1999: 144: “En effet, P. Gauthier attire l’attention sur le sens de τελεῖν ἐς Χαλκίδα. Cette dernière signifie ‘payer pour Chalcis’ ou bien ‘être compté comme Chalcidien’ et non pas ‘payer à Chalcis.’ Mais l’autre formule appelle un commentaire similaire: τελοῦσιν Ἀθέναζε ne saurait se traduire par ‘à Athènes’ mais par ‘vers Athènes’”; and n131: “Lorsque les Chalcidiens prêtent serment (IG I³ 40.26), ils s’engagent de la manière suivante à propos du tribut: τὸν φόρον ὑποτελῶ Ἀθηναίοισιν. Ils n’utilisent pas l’expression Ἀθέναζε.” The suggestion that τελεῖν ἐς here indicates “belonging to” goes back, I think, to Dittenberger *Syll.*² 17 p.29n15: “Qui peregrini Chalcide domicilium habent, exceptis Atheniensibus; τελεῖν *hic usurpatum ut apud Sophoclem Oed. Reg.* 222 ὕστερος γὰρ ἀστούς εἰς ἀστούς τελῶ.” But such different uses of τελεῖν so close to each other, the first indicating belonging and the second taxation, would be worrisome. More important, we expect τελεῖν to indicate “belonging to Athenians” or “Chalkidians,” not to “Athens” or “Chalkis.” See examples at LSJ s.v. II.3, along with, e.g., Ion of Chios *FGrH* III 392 F1.24: οὐ μέντοι ἐκεῖνό γε εἶρηκε, καθ’ ἥντινα αἰτίαν Χῖοι τελοῦσιν ἐς Ἴωνας (“He, however, has not said for what reason Chians count as Ionians”). Gauthier 1971: 72, suggests that “to pay for Chalkis” and “to be counted as a Chalkidian” are the same historical fact; this good point may be true, but in Greek this use of τελεῖν prefers a plural group to a singular composite entity.

on condition that they reside in Athens, are not to pay tax at Athens, and (2) if *ateleia* has been granted to anyone by the Athenian people, (sc. *so much for these two groups*), but that the other aliens shall pay Chalkis, just as the other Chalkidians pay.” Why then wasn’t the second exemption sufficient to cover all eventualities? Why not stipulate simply that “Those to whom *ateleia* had been given by the people of Athens” were to be immune from Chalkidian taxation, *ἡσσοῖς δέδοται ὑπὸ τῷ δέμῳ τῷ Ἀθηναίῳ ἀτέλεια vel sim.*?

The answer, I suggest, is an Athenian one. There were two basic categories of metic, those who resided at Athens without apparent intention to leave (e.g., Lysias), and transients who resided elsewhere and who were in town on temporary, even if sometimes prolonged, business (e.g., the son of Sopaïos, Isoc. 17). Athenian law acknowledged no formal distinction between them. Both were metics and metics had financial obligations. And yet in the world of public honor, there were differences. The rider to the decree according honors to Straton of Sidon stipulated that Sidonians visiting Athens for the purpose of trade could not be saddled with the *metoikion*, *choregia*, or *eisphora*, “provided that they reside in Sidon and are active citizens” there.⁷⁰ Now, they may have been engaged in trade that resulted in their presence in Athens long enough to trigger conversion to metic status. But by this decreed exception, duration of stay ceased to matter, for them; rather, it was their intention to leave—as demonstrated by the purpose of their visit⁷¹ and their residence and political participation at Sidon—that was decisive. These Sidonians were not barred from remaining in the city beyond the period after which one was required to register as a metic. Rather, Athenians were barred from invoking the duration of their stay as grounds for requiring them to register and so assume liability to metics’ financial burdens. Presence was the automatic trigger for liability, but in the determination of immunity residence and intent—in this case “domicile” might be more apt—could be decisive.⁷² Any non-Sidonian merchant whose

⁷⁰ IG II² 141.30–36: ὅποσοι δ’ ἂν Σιδω|νίων οἰκῶντες ἐς Σιδῶνι καὶ πολι|τευόμενοι ἐπιδημῶσιν κατ’ ἐμπορ|ίαν Ἀθήνησι, μὴ ἐξείναι αὐτὸς μετ|οίκιον πράττεσθαι μηδὲ χορηγὸν | μηδένα καταστήσαι μηδ’ εἰσφορὰν | μηδεμίαν ἐπιγράψεν. For “active political engagement” see IG II² 448.60–62 (323/2): ἀφείλοντο [αὐτὸν] | τὰς δωρεὰς οἱ ἐν τεῖ ὀλιαρχίαι πολιτευόμεν[οι καὶ] | τὰς στήλας καθεῖλον.

⁷¹ This is itself insufficient proof. The son of Sopaïos alleges that he was in Athens “for trade and sight-seeing,” and yet he stayed long enough to be made to pay *eisphora* (Isoc. 17.4, 41). The danger he found himself in, however, did raise the prospect of his inability to return and, therefore, of a long term stay.

⁷² See Giovannini 2000: 69–70 on Roman jurisprudence on *domicilium*. For the honored Sidonians, even if their stay at Athens exceeded the period beyond which an alien became a metic, both residence in his home state and political participation are stated as requirements for retaining immunity.

business kept him in Athens long enough would be required to register as a metic, no matter how strong his intention to return to his physical and political home. Such individuals were both visitors, by intent, and residents, in law.⁷³ Moreover, Sidonians who relocated to Athens also fell outside the protected class and would have been required to register. Immunities for any of these individuals would likely have been conditioned on residence: so long as they were in Athens, they would be free from the *metoikion*, *eisphora*, or whatever, but upon their departure immunity and metic status would die together.

Athenians kept these categories in mind. Against Leptines' law barring all *ateleia*, except that enjoyed by descendants of Harmodios and Aristogeiton, Demosthenes argued:⁷⁴

Next, gentlemen, by having it written in his law clearly that “no citizen or possessor of tax-equality or alien shall be tax-immune,” and by having drawn no distinction as to tax-immunity from which *telos*—i.e., from the *choregia* or some other *telos*—but (by stating) simply that “no one shall be tax-immune except the descendants of Harmodios and Aristogeiton”; and by including all others with the words “no one,” while, *not* distinguishing in the case of the word “metics” those who reside in Athens (sc. from those who do not), he strips Leukon, the ruler of Bosporos, and his sons of the grant that you have given them.

⁷³ Harpokration distinguishes between a “visiting alien” and a metic who has “established a household for himself” (s.v. μετοίκιον): μέτοικος μὲν ἔστιν ὁ ἐξ ἑτέρας πόλεως μετοικῶν ἐν ἑτέρᾳ καὶ μὴ πρὸς ὀλίγον ὡς ξένος ἐπιδημῶν, ἀλλὰ τὴν οἰκισιν αὐτόθι καταστησάμενος. ἐδίδοντο δὲ ὑπ’ αὐτῶν καθ’ ἕκαστον ἔτος δραχμαὶ ἰβ’, ὅπερ ὠνόμαστο μετοίκιον (“A metic is one who changes residence from one city to another, and not briefly visiting as a foreigner but having established residence there. There used to be given by them each year twelve drachmas, which had been called the *metoikion*”). Jones 2003: 157–60 has shown that the verb ἐπιδημεῖν “almost never” conveys “a notion of residence, and never an implication of time, or of a long or short stay” (157) and is usually best translated as “visit.” Legally speaking, Athens could require any visitor to register as a metic, which is to say resident, once s/he had been present on the ground long enough. As Aristophanes of Byzantium framed it, “Whenever (an alien) exceeded the established period (of default *ateleia* at Athens) he became, forthwith, a metic,” which is to say *resident in law* (Nauck 38: ἐὰν δὲ ὑπερβῆ τὸν ὠρισμένον χρόνον, μέτοικος ἤδη γίνεται καὶ ὑποτελής· παραπλησίως δὲ τούτῳ καὶ ὁ ἰσοτελής). Harpokration may simply have conflated two senses of “residence,” (1) abode and (2) legal status; with passage of time a visiting alien simply became a resident regardless of his abode.

⁷⁴ Dem. 20.29: ἔτι δ’, ὦ ἄνδρες δικασταί, διὰ τὸ γεγράφθαι ἐν τῷ νόμῳ διαρρήδην αὐτοῦ ‘μηδένα μήτε τῶν πολιτῶν μήτε τῶν ἰσοτελῶν μήτε τῶν ξένων εἶναι ἀτελεῖ, μηδὲ διηρησθαι δ’ ὅτου ἀτελεῖ, χορηγίας ἢ τινοῦ ἄλλου τέλους, ἀλλ’ ἀπλῶς ‘ἀτελεῖ μηδένα πλὴν τῶν ἀφ’ Ἄρμοδίου καὶ Ἀριστογείτονος; καὶ ἐν μὲν τῷ ‘μηδένα’ πάντας περιλαμβάνειν τοὺς ἄλλους, ἐν δὲ τῷ ‘τῶν ξένων’ μὴ διορίζειν τῶν οἰκούντων Ἀθηνησιν, ἀφαιρεῖται καὶ Λεύκωνα τὸν ἄρχοντα Βοσπόρου καὶ τοὺς παῖδας αὐτοῦ τὴν δωρεῖαν ἣν ὑμεῖς ἔδοτ’ αὐτοῖς.

The ban, Demosthenes urges, will offend one of Athens's most important allies. Now, Leukon was a naturalized citizen (Dem. 20.30) and so not subject to rules governing grants to aliens, whether resident at Athens or not. But Demosthenes also seems to object to Leptines' sloppy absolutism, which omits to acknowledge the wide variety of forms and terms that grants of immunity could take, ignores the fact that awards may apply to some *tele* but not to others, and fails to distinguish immunities that were conditional on residence from those that were not. Such distinctions were important, for as Rubinstein notes, "[d]espite the impression of uniformity given by the bulk of attested *ateleia* grants, there was considerable variation between individual awards, not just between different communities but even between the grants issued by a single *polis*."⁷⁵

But all recipients will have been either resident or not; all awards will have been conditional on residence or not. When Athenians thought about taxation, whether liability or immunity, they thought about residence. Thus, a proposal to enhance *ateleia* that was granted on condition of residence might need to answer whether it would exclude holders of simple unqualified *ateleia*, and a proposal to extend unconditional *ateleia* might draw cautious requests to specify whether the naked exemption would include grants that were tied to residence. We might have preferred a tidier expression: "All holders of *ateleia*, whether conditional or not" But the Greek as we have it reflects the two basic formats known to Athenian legislation. Now, Antikles granted immunity to both groups, just as Leptines took it from both, but Antikles could not be charged with failing to draw the obvious distinctions. Rather he made it clear that Athens granted immunity at Chalkis to (1) anyone who had received *ateleia* on condition of Athenian residence, and (2) anyone who had received *ateleia* that was not limited by any such condition. If Athens liked a person and showed it, Chalkis was required to do the same.

The clause was an infringement on Chalkis's ability to tax aliens within its borders. But which taxes? *Telos* embraced a lot.⁷⁶ Here, Gauthier thought it denoted tribute; Whitehead and Balcer, an essentially unidentified tax; Vinogradov and Pébarthe, commercial and import/export taxes; Giovannini, liturgies. Ostwald preferred a broader formulation, "civic obligations,"⁷⁷ rightly

⁷⁵ Rubinstein 2009: 115–16, 120–26, quote at 126.

⁷⁶ On *telos* and other fiscal terminology see Chankowski 2007.

⁷⁷ Whitehead 1976: 256; Balcer 1978: 70; Vinogradov 1973; Giovannini 2000; Pébarthe 1999: 142–46 and 2005; Ostwald 2002: 140. On varieties of *ateleia* see Rubinstein 2009; Henry 1983: 241–61. Of a different time, place, and phenomenon, but invaluable: Gauthier 1991. On Athenian grants of *ateleia* for "trade-related services" see Engen 2010: 187–92.

I think. Even in formal utterance Athenians were content to speak simply of *tele*. When vetting a candidate selected for office the *boule* asked him, τὰ τέλη <εἰ> τελεῖ.⁷⁸ This was not a fossilized reference to the Solonian *tele*, nor is it likely to have meant liturgies alone: service was not a prerequisite to office. The question was not ambiguous, but broad, testing whether a candidate “fulfills” what he must.⁷⁹ The clause in the decree on Chalkis was, I suggest, similar in spirit,⁸⁰ not intended to extend one variety of exemption or another, but rather whichever Athens had granted in any given case. If Athens had awarded a person *ateleia* at Athens from liturgical service, or *eisphora*, or whatever,⁸¹ then the same was to apply at Chalkis.

⁷⁸ [Ath. Pol.] 55.3: ἐπερωτῶσιν δ' ὅταν δοκιμάζωσιν, πρῶτον μὲν τίς σοι πατήρ καὶ πόθεν τῶν δήμων, καὶ τίς πατὴρ πατήρ, καὶ τίς μήτηρ, καὶ τίς μητὴρ πατήρ καὶ πόθεν τῶν δήμων; μετὰ δὲ ταῦτα εἰ ἔστιν αὐτῷ Ἀπόλλων Πατρῶος καὶ Ζεὺς Ἑρκεῖος, καὶ ποῦ ταῦτα τὰ ἱερά ἐστιν, εἶτα ἥρια εἰ ἔστιν καὶ ποῦ ταῦτα, ἔπειτα γονέας εἰ εὖ ποιεῖ, [καὶ] τὰ τέλη <εἰ> τελεῖ, καὶ τὰς στρατείας εἰ ἐστράτευται (“And whenever they perform scrutiny they ask first, ‘Who is your father and from which deme is he, and who is the father of your father, and who is your mother, and who is the father of your mother and from which deme is he?’ Afterward, whether he has an Apollo Patroios and Zeus Herkeios and where these shrines are; next, whether he has family tombs and where these are; then, whether he treats his parents well, and whether he pays his *tele* and whether he has performed military service”).

⁷⁹ Rhodes 1993: 618 on [Ath. Pol.] 55.3 observes that Din. 2.17–18 shows that the phrase refers to taxation rather than Solonian *tele*: here, the question εἰ τὰ τέλη τελεῖ is answered in the negative with τῶν δ' ἄλλων Ἀθηναίων εισφερόντων ἐκ τῶν ἰδίων, οὗτος οὐδὲ τῶν δημοσίων καὶ ὧν ὄφλεν τὸ ἀργύριον ἅπαν ἐκτέτεικεν (“And while other Athenians contribute from their own resources, he has not even paid all the money for the public debts that he owed”). Also, citing *Onom.* 85–86, Rhodes notes that Pollux “or an intermediary must have seen here a reference not to payment of taxes but to membership of a Solonian property-class;” for Pollux, the questions were εἰ Ἀθηναῖοι εἰσιν ἑκατέρωθεν ἐκ τριγονίας, καὶ τῶν δήμων πόθεν, καὶ εἰ Ἀπόλλων ἔστιν αὐτοῖς πατρῶος καὶ Ζεὺς ἔρκιος, καὶ εἰ τοὺς γονέας εὖ ποιοῦσι, καὶ εἰ ἐστράτευνται ὑπὲρ τῆς πατρίδος, καὶ εἰ τὸ τίμημα ἔστιν αὐτοῖς (“whether they are Athenians on both sides for three generations back and from which demes, ... whether they have *timema*”), But if Pollux thought of τίμημα in the sense of “outstanding debt” or “fine” or “payment,” so that the question simply asked whether candidates “had any debts (to the *polis*) outstanding” (but note the definite article, τὸ), then he need not have thought the question a reference to the Solonian *tele* at all. His understanding need not have differed much or at all from Dinarchus’s.

⁸⁰ Similarly, on the broad array of obligations indicated by *ateleia* see MacDowell 2004.

⁸¹ I assume that such immunities as resulted automatically from service (protections against the burden of back-to-back service) fell outside the intended scope of the clauses. But who knows what a nominee might have found worth arguing in a Chalkidian court?

The provision will have made it attractive for parties who were honored friends of Athens, whether resident there or not, to engage in business or other activities in Chalkis. Economically, this was a narrower exception than has long been thought. It did not extend immunity at Chalkis to all metics at Athens, but only to individuals who already possessed the benefit at Athens, a much smaller group. The measure did not supersede Chalkis's right to tax aliens on its soil; nor, for that matter, did it prevent Chalkis from granting immunities to anyone it desired. It did, however, allow Athens to declare to certain of its friends that Chalkis was open—to them anyway—for business, at the very agreeable tax rate of zero.⁸² By asserting the right to grant a civic privilege that was to be binding not only in Athens but also in one of its subject cities, Athens infringed not only on Chalkis's fiscal self-determination, but also on its political autonomy. The logic here is nearly identical to that of Arcestratos's rider, which introduced a novel⁸³ infringement on Chalkis's judicial autonomy: Chalkis was to be free to enjoy the right of *euthyna* over Chalkidians, except in the most severe cases, over which Athens claimed jurisdiction; all other cases were to proceed as usual (*IG I³ 40.70–79*). So also, Chalkis was to be free to tax as it saw fit, except in the case of one highly visible group, namely those to whom Athens had already granted the privilege of immunity at Athens; all others were to pay taxes as usual. The one provision was a judicial infringement, the other fiscal. Both protected Athens's friends and imperial prerogatives, while curtailing Chalkis's autonomy in particular instances—probably few but certainly high-profile. These interventions were tough but not ruinous,⁸⁴ more likely demeaning than debilitating.

⁸² Engen 2010: 188, 189 suggests that Athenian grants of *ateleia* were economically costly to Athens, but that Demosthenes was right to observe “that the chief benefit of *ateleia* for its recipients was honorific rather than monetary” (190). This seems to suggest that immunities cost Athens a lot but were worth only a little to the recipients; the opposite ought to have been true. Engen suggests further that grants of *ateleia* awarded to those engaged in commerce “degraded traditional social values by honoring those who performed trade-related services on par with some of the most highly honored political and military benefactors in Athenian history” (188); also, “the monetary cost” of granting *ateleia* “for Athens paled in comparison to the deleterious effect that granting it to foreigners for trade-related services would have had on traditional social values” (190). Some Athenians did on occasion show open dislike for those engaged in commerce, but I don't understand the mechanism by which honoring such businessmen “degraded traditional social values,” or what that would mean.

⁸³ Lewis 1992: 131–32.

⁸⁴ Forsdyke 2005: 219 argues that the decree on Chalkis shows a moderate, even generous, Athens: “the fact that the Athenian councilors and jurors swore to the Chalcidians

So much for what the clauses did. When and why? The decree on Chalkis “is almost universally agreed” to belong to 446/5 B.C.E.⁸⁵ The chief reason is that Thucydides and others report that in the same year the Euboians revolted from the Delian League and were swiftly brought to heel by Perikles (n1 above). But Mattingly has marshaled an array of evidence to suggest that the document belongs to 424/3.⁸⁶ The details are too many and complex to enumerate in their entirety, but some of the salient features are as follows⁸⁷: Philochoros tells us that Athens campaigned against Euboia in the archonship of Isarchos (424/3).⁸⁸ The Archestratos who proposed the rider at *IG I³ 40.70–80* could well be identified with the man of the same name who proposed riders at *IG I³ 73.9–16, 39–44* (ca.424–410). The Hierokles responsible for overseeing sacrifices at *IG I³ 40.64–67* is very likely the Hierokles attested in Aristophanes (*Peace* 1047–1119) and Eupolis (*Cities* 212) and active in the 420s. The legal imposition of Athenian jurisdiction over capital cases arising in subject cities (*IG I³ 40.71–76*) otherwise seems to be an innovation of the 420s. The awkwardly proleptic relative clause at *IG I³ 40.45–47* is paralleled in Attic epigraphy only at *IG I³ 76.30–32* (422/1) and 82.17–18, 29–30 (421/0). Introductory ἀγαθῆι τύχῃ (*IG I³ 40.40*) first appears at Athens (in epigraphy and drama) in the 420s. Besides these, Mattingly musters a wealth of circumstantial evidence from fifth-century literature and epigraphy. Moreover, Lawton has observed that acceptance of Mattingly’s lower dating for this and three other decrees means that the sculptural form of the Attic document relief is unattested before the 420s, which “would accord well with what we know of sculptural

that all cases of death, exile, and disenfranchisement would be judged by regular legal procedures under the auspices of the Athenian people brings this oath into line with those sworn by these same bodies to the Athenian citizens themselves. Substantively and symbolically, the Athenians therefore placed the Chalcidians on a par with their own citizens, extending to the Chalcidians privileges that were central to their own conception and practice of democratic citizenship.”

⁸⁵ Ostwald 2002: 136.

⁸⁶ On the impact of his arguments—with regard to this text and others—see recently Papazarkadas 2009; Rhodes 2008.

⁸⁷ See Mattingly 1961 [=1996: 53–67], with reiterations and enhancements at 2002, 1992; also 1996: 161–62, 247, 372–77, 391–94; recently 2010b, esp. 102–4.

⁸⁸ *FGrH* 328 F130 [Σ Ar. *Vesp.* 718]: τὰ περὶ τὴν Εὐβοίαν δύναται καὶ αὐτὰ συναίδειν ταῖς Διδασκαλίαις· πέρυσι γὰρ ἐπὶ ἄρχοντος Ἰσάρχου ἐστράτευσαν ἐπ’ αὐτήν, ὡς Φιλόχορος. See also *FGrH* 328 F119.

practice in Athens at this time.”⁸⁹ Knoepfler has added palaeographic support for the later date of the related *IG I³ 39*.⁹⁰ Papazarkadas has observed that the leniency of the Chalkidian oath might better reflect an Athenian role as intermediary in an episode of Chalkidian *stasis*, and that a jibe in Aristophanes (*Eq.* 236–37) seems to characterize Chalkidians as primed—in 424 B.C.E.—for revolt (2009: 73–74).

Why, then, should we prefer 446/5? As Papazarkadas observes, “the major problem in downdating the Chalcis decree was, and continues to be, Thucydides’ silence” about the campaign in 424/3.⁹¹ For Moreno, such an omission would constitute “impossible perversity.”⁹² But Thucydides was

⁸⁹ Lawton 1992: 251; Balcer 1978: 84–88, suggested that the stele was accompanied by a relief; Lawton 1992: 249 does not agree; *IG I³ 40* is absent from Lawton 1995, where her 63 and 64 are now often held to belong to the 420s.

⁹⁰ Knoepfler 2001: 73; finding also in the action of 424/3 a possible explanation for a passage in Pausanias: *Bull. épigr.* 2011: 314.

⁹¹ Papazarkadas 2009: 74. Though persuaded by many of Mattingly’s lower dates and rightly anxious lest an early *IG I³ 40* become “an isolated case floating in an inscriptional vacuum” (73), he cautions that “[t]here is, however, not much point in isolating specific clauses that might strengthen the lower dating of the Chalcis decree: the process could go on for ever. We can only conclude that an Archidamian War context is not out of the question” (74).

⁹² Moreno 2007: 100n114: “One would need to assign impossible perversity to Thucydides in failing to record a large expedition to Euboea, especially given his own clear belief in the island’s importance to Athens (esp. in 8.95–6, but elsewhere in his own work from 1.114 on). The expedition is missing from Thucydides simply because it was relatively minor: it was probably recorded by Philochorus as no more than a reinforcement of the forts securing the island, intended to stem the tide of allied rebellion after Delium and Amphipolis.” But Thucydides regarded Euboeia’s revolt of 446/5 as an opening moment to the war: 1.23.4; 1.87.6; 2.2.1. His narrative of 411 suggests that the Euboeian revolt of that year was another critical watershed. Athens’s democracy was imperiled, and Euboea its last hope; now, revolt there caused terror at Athens that surpassed that generated by the Sicilian disaster(!); Thuc. 8.95.2; 8.95.7–8.96.2 (note the similarity between 8.95.7, Εὐβοιάν [τε] ἄπασαν ἀποστήσαντες πλὴν Ὀρεοῦ (ταύτην δὲ αὐτοὶ Ἀθηναῖοι εἶχον) καὶ τὰλλα τὰ περὶ αὐτὴν καθίσταντο (“They moved all of Euboea to revolt, except for Oreos [the Athenians themselves were occupying it] and they arranged the rest concerning it [Euboeia]”), and 1.114.3, καὶ Ἀθηναῖοι πάλιν ἐς Εὐβοίαν διαβάντες Περικλέους στρατηγούντος κατεστρέψαντο πᾶσαν, καὶ τὴν μὲν ἄλλην ὁμολογία κατεστήσαντο, Ἑσταιᾶς δὲ ἐξοικίσαντες αὐτοὶ τὴν γῆν ἔσχον) (the Athenians “overran the whole island, and they arranged the rest under an agreement but after expelling the people of Histiaia occupied the land themselves”). Yet, Athens still managed to dissolve the Four Hundred (8.97.1). An historian keen to frame a narrative bookended by two critical Euboeian revolts, one on the eve of war (446/5) and one in 411, might wish to downplay an intervening revolt. Such a wish might not have been “perverse.”

silent about many things,⁹³ and his silence here cannot preclude the later date unless it proves that Philochoros was wrong to write of Athens's military action in Euboia in 424/3. But it can do no such thing on its own and no one has found independent cause to reject his testimony. Thucydides' silence was never a compelling argument against the lower date.

If we accept the lower date then we must account for *IG I³ 39*, which preserves a scrap of what looks to be an oath to be taken by Eretrians, which is nearly identical to the one preserved at *IG I³ 40* and so seems to belong to the same episode.⁹⁴ Though he has tended to date *IG I³ 39–41* together,⁹⁵ Mattingly acknowledged in at least one place that *IG I³ 39*'s palaeographical similarities to *IG I³ 10* and 55 mean that it probably ought to fall before the Archidamian War.⁹⁶ Jameson, however, put *IG I³ 10* “not much earlier than 420,”⁹⁷ and Knoepfler has shown that 39 is in fact palaeographically at home in the last

⁹³ One need not accept all of the arguments advanced by Badian 1993 to appreciate that Thucydides cannot have mentioned all events that we think he ought to have found significant. Thucydides' silence has not kept the late date for *IG I³ 21* (426/5) from prevailing: see Mattingly 2010b: 99–100 and 100–102 on Thucydides and the three-barred *sigma*.

⁹⁴ *IG I³ 39*: [– – – ταῦτα δὲ ἐμπεδώσω Ἐρε|τρι|εὔσιγ |πει|θ[ο]μένοις τῶι δήμωι τῶι Ἀθην|αίω]ν· ὀρκῶσα[ι] δ[ὲ] πρεσβείαν ἐλθῶσαν ἐξ Ἐρε|τρι|ας μετὰ τῶν ὀρκωτῶν Ἀθηναίος καὶ ἀπογρ|άψαι] τὸς ὁμόσαντας· ὅπ[ω]ς δ' ἂν ὁμόσωσιν ἅπαν|τες] ἐπιμελόσθ[ω]γ οἱ στ[ρα]τηγοί· κατὰ τὰδε | αὐτ|ὸς ὁμόσαι· οὐκ ἀποστ[ή]σομαι ἀπὸ τοῦ δήμ[ο] τ[ῶ] Ἀθηναίων οὔτε τέ[χ]νηι οὔτε μηχανῆι οὐδ[ὲ] μιᾷ οὐδ' ἔπει οὐδὲ | ἔργωι οὐδὲ τῶι ἀφισταμ[έν]ωι πείσομαι, καὶ ἐὰν ἀφιστῆι τις κατερῶ | Ἀθ]η[να]ίοις, καὶ τὸν φόρον ὑποτελῶ τοῖς Ἀθην|αίοις δ]γ [ἂν] πείθω [Ἀθηναίος – – –]; *IG I³ 40.14–27*: ταῦτα δὲ ἐμπ[ι]ε[λ]δόσο Χαλκιδεῦσιν πειθομένοις τῶι δέ[[μ]οι τῶι Ἀθηναίων. ἠορκῶσαι δὲ πρεσβεία[ν] ἐλθῶσαν ἐξ Χαλκιδέας μετὰ τὸν ἠορκωτῶν Ἀθηναίος καὶ ἀπογράψαι τὸς ὁμόσαντας, ἠόπος δ' ἂν [ὁ]μόσωσιν ἅπαντες, ἐπιμελόσθον ἡοι στ[ρα]τηγοί vacat | κατὰ τὰδε Χαλκιδέας ὁμόσαι· οὐκ ἀπο[σ]τέ[σ]ομαι ἀπὸ τοῦ [δ]έμο τοῦ Ἀθηναίων οὔτε τέ[χ]ν[η]ι οὔτε μηχανῆι οὐδεμιᾷ οὐδ' ἔπει οὐδὲ | ἔργωι οὐδὲ τῶι ἀφισταμένοι πείσομαι, κ[α]ὶ ἐὰν ἀφιστῆι τις κατερῶ Ἀθηναίοισι, κ[α]ὶ τὸν φόρον ὑποτελῶ Ἀθηναίοισιν, ἠὲν | ἂν πείθο Ἀθηναίος.

⁹⁵ E.g., Mattingly 1996: 162, 176.

⁹⁶ Mattingly 1996: 514n39. For the Ionic script in *IG I³ 39* and several other texts see Low 2005: 104–9, who suggests that “They exemplify a move towards a style of representing an interstate relationship in which the power that is being exercised over the allies is not, straightforwardly, Athenian *kratos*, reaching out beyond the boundaries of Attica and overtaking everything in its path. What is represented is, instead, a more subtle, homogenizing approach to the construction of power, in which Athens is not so much the enforcer of an Athenian way of life as a facilitator of some wider, perhaps Panhellenic, relationship” (108). On Ionic script see recently Matthaïou 2010: 13–18.

⁹⁷ Jameson 2000–3: 29.

quarter of the fifth century.⁹⁸ As for the very poorly preserved provisions for Hestiaia (*IG I³ 41*), perhaps they seem better suited to Athens's assumption of control in 446/5, but they could belong to either time. Anyway, whatever the date of *IG I³ 39* and 41 (and I am inclined to keep them together with 40, and all three late), in 424/3 Euboia was a piece of unfinished business for Athens.

In fact, it was a recurring challenge, almost as old as Athens's democracy. In 506 B.C.E, in retribution for an assault on Attica, Athens met and defeated the Boiotians on their side of the Euripos and crossed over to Euboia, where they bested the Chalkidians too and left behind 4000 cleruchs on the land of the wealthy *hippobotai*. They bound and ransomed the captives, and then dedicated the chains on the Acropolis. With a tenth of the ransom Athens commissioned and dedicated a *tethrippon* on the Acropolis, on the left as one approached the *propylaea*, accompanied, Herodotus tells us, by an epigram (*Hdt.* 5.77.2–4.). We know the epigram also from two inscribed copies, one thought to have been produced with the monument shortly after 506, the

⁹⁸ Knoepfler 2001: 73. It may be worth observing that the sole internal indication that *IG I³ 39* concerns Eretria *per se* is a single doubtfully read letter, the *alpha* at the start of line 4: [– – – ταῦτα δὲ ἐμπεδώσω Ἐρε|τρι|εὔσι|ν [πει|θ|ομένοις τῶι δῆμῳι τῶι Ἀθην|αίῳ]ν· ὀρκῶσα[ι] δ[ὲ] πρεσβείαν ἐλθῶσαν ἐξ Ἐρε|τρι|ας. Schweigert 1937: 318, thought that, “the fracture of the left edge of the fragment near line 4 clearly follows the right *hasta* of a letter like Α, Λ, or Δ.” Neither the photograph accompanying his publication, nor the image at Low 2005: pl.5, nor the squeeze taken by Balcer, now at Ohio State University (<http://drc.ohiolink.edu/bitstream/handle/2374.OX/506/IG%20I%283%29%2039.jpg>), nor the squeeze in the collection of the Oxford Centre for the Study of Ancient Documents (a digital image of which C. Crowther has kindly shared with me), appears to show any trace of an *alpha*, or indeed anything else, before the final *sigma* in Ἐρε|τρι|ας. This is worrisome. I wonder whether *IG I³ 39* records an oath taken by a Euboian city on some other occasion; Chalkis might fit: [– – – ταῦτα δὲ ἐμπεδώσω Χαλ|κιδ|εὔσι|ν [πει|θ|ομένοις τῶι δῆμῳι τῶι Ἀθην|αίῳ]ν· ὀρκῶσα[ι] δ[ὲ] πρεσβείαν ἐλθῶσαν ἐχ Χαλ|κιδ|ός (Boris Chrubasik has very kindly confirmed that his own examination of the CSAD squeeze and the stone itself led him to conclude that an *alpha* did not precede Σ at the start of line 4). But what would this mean? Could it be that *IG I³ 39* was produced in the aftermath of the Periklean action in 446/5 and *IG I³ 40* after that of 424/3, the latter seeking to reaffirm what Athens had already “arranged,” introducing some new measures and, at least in the case of hostages, leaving some things “as decreed” previously (*IG I³ 40.49*: κατὰ τὰ ἐφσεφισμένα)? *IG I³ 39* would in this case represent an early instance of Ionic script at Athens, but such seem to be known; for a recent, interesting discussion of possible implications see Low 2005: 105–9. The extreme similarity of two oaths separated by more than twenty years inclines me to think not. But in any case, the ground appears to be less stable here than we have thought and it seems safe to say that *IG I³ 39* might not have contained an oath taken by Eretria, whatever its date.

other in the mid fifth century.⁹⁹ Long after the event, the chains, statue, and epigram reminded all who mounted the acropolis of that occasion on which Athens “extinguished the hybris” of the Boiotians and Chalkidians, even if the Athenians could not, in Aelian’s later formulation, “extinguish their anger against Chalkis.”¹⁰⁰ In 446/5, Athens’s victory of 50 years prior was still a fresh memory. And two decades later, the events of 446/5 were as well. Whatever the precise causes of action in 424/3, around that time Aristophanes had his mind on Athens’s earlier Euboian victory. Bdelykleon laments distributions of Euboian wheat, which were promised but never materialized; instead, Athenians barely got barley, and only if they could prove citizenship!¹⁰¹ We know from Philochoros that this was Egyptian barley, delivered the year after the victory over Euboa (whose defeat perhaps wasn’t the alimentary bonanza

⁹⁹ *IG* I³ 501A and B [= Raubitschek 1949: nos.168, 173]: [δεσμοὶ ἐν ἀχνύεντι(?) σιδερέοι ἔσβεσαν ἠύβριν] : / παιδε[ς Ἀθηναίων ἐργμασιν ἐμ πολέμο] / [ἔθνεα Βοιωτῶν καὶ Χαλκιδέων δαμάσαντες] : / τῶν ἵππος δεκάτεν Παλλάδι τάσδ’ ἔθεσαν]; B: [ἔθνεα Βοιωτῶν καὶ Χαλκιδέων δαμά]σαν[τες] / [παιδ]ες Ἀθηναίων ἐργμα[σιν ἐμ πολέμο] / [δεσμοὶ ἐν ἀχνύεντι(?) σιδερέοι ἔσβε]σαν [ἠύβριν] / [τ]ῶν ἵππος δεκάτ[εν Παλλάδι τάσδ’ ἔθεσαν]. Also *Diod. Sic.* 10.24.3; *Anth. Pal.* VI 343; *Aristid.* 49.380 [Jebb]; *P.Oxy.* XXXI 2535; *Const. Porph. De Sententiis* 105 [p.299 Boissevain]. The monument seen by Herodotus (and also apparently Pausanias 1.28.2) was probably a replica, the Persians presumably having taken or demolished the original: Mattingly 1982: 383–84 suggests restoration in the 470s. Berti 2010 supports the old suggestion that the Battle of Oenophyta (in 457) was the occasion. Palaeography, in particular the appearance of three-bar sigma, inclined Raubitschek 1949: 203–5 no.173, to favor ca.456. I cannot see how this is any more likely an occasion than Athens’s victory in 446/5. On this monument and the “Euripos epitaph” see Anderson 2003: 151–57.

¹⁰⁰ *Ael. VH* 6.1.1: Ἀθηναῖοι κρατήσαντες Χαλκιδέων κατεκληρούχησαν αὐτῶν τὴν γῆν ἐς δισχιλίους κλήρους, τὴν Ἰππόβοτον καλουμένην χώραν, τεμένην δὲ ἀνήκαν τῇ Ἀθηνᾶ ἐν τῷ Ληλάντῳ ὀνομαζομένῳ τόπῳ, τὴν δὲ λοιπὴν ἐμίθωσαν κατὰ τὰς στήλας τὰς πρὸς τῇ βασιλείῳ στοᾷ ἐστηκυίας, αἴπερ οὖν τὰ τῶν μισθώσεων ὑπομνήματα εἶχον. τοὺς δὲ αἰχμαλώτους ἔδρσαν, καὶ οὐδὲ ἐνταῦθα ἔσβεσαν τὸν κατὰ Χαλκιδέων θυμόν. I leave aside the well-covered ground of credibility of Aelian’s account or whether he has conflated the episodes of 506 and 446/5; see recently Zelnick-Abramowitz 2004: 330–35.

¹⁰¹ *Ar. Vesp.* 715–18: ἀλλ’ ὅποταν μὲν δέισωσ’ αὐτοί, τὴν Εὐβοίαν διδόασιν / ὑμῖν καὶ σίτον ὑφίστανται κατὰ πεντήκοντα μεδίμνους / ποριεῖν· ἔδοσαν δ’ οὐπώποτέ σοι πλὴν πρώην πέντε μεδίμνους, / καὶ ταῦτα μόλις ξενίας φεύγων ἔλαβες κατὰ χοίνικα κριθῶν (“Whenever they are afraid they give you Euboa and promise to furnish you grain in fifty-medimnoi increments. But so far they’ve given you nothing except, just now, five medimnoi—and that you just barely got, after escaping charges of being a foreigner—of barley, by the choenix”).

for Athens that it may have been promised to be?), and that the requirement to prove citizenship went badly for thousands.¹⁰² Strepsiades observes, while surveying the earth, that Euboia was “stretched on the rack by us and Perikles.”¹⁰³ It is tempting to take this literally: by us, just recently, and by Perikles, back in 446/5. In any case, the diachronic perspective is clear. It would be one thing for Aristophanes to make hay out of the recent campaign, but to do so in a way that so powerfully looks back to the revolt of 446/5 suggests that recent events were regarded as both non-trivial and bound up in the prior military action—like an American observing the United States’ “victory” in Operation Iraqi Freedom by joking about its “victory” in Operation Desert Storm.

This later Euboian campaign took place in a period in which Athens’s extension of *ateleia* seems to have become more common, or at least more visible to us. In 424/3 Athens decreed honors, including *ateleia*, for Potamadoros and his son Eurytion,¹⁰⁴ who are thought to have been among the democrats just exiled from Orchomenos (Thuc. 4.76.3). In this same period Athens seems to have granted Proxenides of Knidos immunity from “the other *tele*” but not from what the Knidians pay in tribute,¹⁰⁵ and Mattingly speculates that the Boiotian exiles recognized in *IG I³ 72* “were probably given as wide a form of *ἀτέλεια* in 424/423”—an attractive, if unprovable, idea (1996: 61). He suggests even that some of these privileged exiles may have taken the opportunity to settle in Euboia. It was perhaps in 424/3 that Athens honored Herakleides of

¹⁰² *FGrH 328 F119* [Σ Ar. *Vesp.* 718].

¹⁰³ Ar. *Nub.* 211–13: Μα. ἡ δὲ γ’ Εὔβοι, ὡς ὀράς, / ἡδὶ παρατέταται μακρὰ πόρρω πάνυ. / Στ. οἶδ’. ὑπὸ γὰρ ἡμῶν παρετάθη καὶ Περικλέους (Student: And right here Euboia, as you see, is stretched out quite far. Strepsiades: I know, for it was stretched out by us and Perikles”). Σ Ar. *Nub.* 213 [*FGrH 328 F118*]: Περικλέους δὲ στρατηγούντος καταστρέψασθαι αὐτοὺς πᾶσάν φησιν Φιλόχορος, καὶ τὴν μὲν ἄλλην ἐπὶ ὁμολογίᾳ κατασταθῆναι, Ἔστιαίων δὲ ἀποικισθέντων αὐτοὺς τὴν χώραν ἔχειν (“Philochoros says that when Perikles was *strategos* they overran the whole island, and that while the rest was arranged by agreement, they took the territory of Histiaia after it was colonized”). The scholiast’s phrase closely resembles Thuc. 1.114.3 (n92 above).

¹⁰⁴ *IG I³ 73.9–11*: Ἀρχ[έστρατος εἶπε· τὰ μὲν ἄλλα | καθάπερ τῆ βo]λῆι, ἔναι δὲ [Ποταμοδόροι – 10 –]|[– 12 –] ἀτέλε[ιαν]; Mattingly 1996: 56, suggested that this Archestratos may be the same as the man who proposed the rider at *IG I³ 40.70–79*.

¹⁰⁵ *IG I³ 91.24–27*: ἄλλον δὲ ἀτελὲς ἔστο, τὰ] | δὲ τέλε τ[οῖς ἐγλογεῦσι τελέτο ἡ] | δεῖ Κνιδ[ίος ἐς τὸμ φόρον τελέν κα] | θάπερ ἡo[ι ἄλλοι Κνίδιοι. The restorations are owing to Meritt 1939: 65–69, and are based on sense rather than exact parallels (69). Walbank 1978: 346 no.64 finds them convincing. No one seems to have challenged them. Matthaiou 2010: 18–19 notes that many texts in *IG I³* are “over–restored.”

Klazomenai with *ateleia*.¹⁰⁶ It is tempting to see in this approach to rewarding individuals and groups with honors that included some form of tax-immunity an early expression of what we find more often in the fourth century. One thing, at least, is clear: such rewards are sparsely attested in the fifth century and more common in the fourth so that the later the date of the decree on Chalkis the less exceptional its approach to *ateleia* for aliens.

And it does make sense already, I suggest, in the economic and political landscape of the 420s. Christ has suggested that the *antidosis* mechanism, which we might think of as conferring court-ordered exemptions, emerged some time between the 450s and 430s; the procedure seems mature by the 420s and cannot have functioned as we know it before the emergence of the *dikasteria* (1996: 159–60). This introduction of a formal mechanism by which exemptions might be claimed and substitutions proposed may have been an attempt, Christ suggests, to prevent wealthy elites from securing unfair exemptions for themselves and their friends. We cannot know for certain, but this same period saw increasing pressure on elite wealth elsewhere in the “tax” system: however we understand the famously ambiguous clause of Thucydides, it does not seem likely that Athens introduced *eisphora* much—if at all—before 428.¹⁰⁷ In this period, Aristophanes could have the demagogue Kleon threaten to ruin a man by putting him down for *eisphora*, the so-called Old Oligarch could bemoan courts clogged with challenges to liturgical liability, and not much later Ischomachos could be said to have joked to Socrates that no one ever called him *kalos k’agathos* when challenging him to *antidosis*.¹⁰⁸ Athens was honing its controls on access to elite wealth, through the popular courts, and devising new tougher means of extracting revenues, which were not open to court-sanctioned exemption. It was also a period in which complaints about these developments seem to have become more public, more vocal. This is

¹⁰⁶ IG I³ 227+II² 65 (SEG XXXII 10) lines 19–22: ἐναὶ Ἡρακλεῖ[ιδιμ] γῆς ἔγκτησιν κα[ὶ οἰκίας Ἀθήνησι|ν καὶ ἀ]τέλειαν καθάπ[ερ τοῖς ἄλλοις προξένο]ις, where restore καθάπ[ερ τοῖς ἄλλοις Ἀθηναίοις] per Knoepfler 2001: 57–58. But τοῖς ἄλλοις worries; cf., e.g., IG II² 10.9 (401/0): ἐγγύησιν καθάπερ Ἀ]θηναίοις; IG II² 109.b.20–21: [ἰ]σοτέλειαν καθάπ[ερ Ἀθηναίοις; 174.b.4–5 (405/4): κ[αὶ τὰ ἄλλα καθάπερ Ἀ]θηναίοις; 287.5–6 (before 336/5): καὶ τὰ τέλη τελεῖν καθάπ[ερ Ἀθηναίοι. Space permitting, ἰσο]τέλειαν καθάπ[ερ τοῖς ἄλλοις Ἀθηναίοις], or εὐεργέτα]ις seem not unattractive. On the date see Walbank 1983; accepted by Reiter 1991: no.43. But for doubts see Mattingly 1996: 523–24 with citations; Harris 1999; Culasso Gastaldi 2004: 47–54.

¹⁰⁷ Christ, 1996: 162. Thuc. 3.19.1: καὶ αὐτοὶ ἐσενεγκόντες τότε πρῶτον ἐσφορὰν διακόσια τάλαντα.

¹⁰⁸ Ar. Eq. 912–26; Xen. [Ath. pol.] 3.4; Xen. Oec. 7.3.

nothing new, but a familiar story of waxing popular power in the 420s, rooted at least partly in judicial control.

The decree on Chalkis fits nicely into this well known narrative. Ostwald has rightly called attention to its emphasis on “the Athenian people” (2002: 137). Under the decree’s terms Athenians swore to punish no Chalkidian with exile, devastation, disfranchisement, exile, arrest, execution, or confiscation, without trial, without consent of “the Athenian people” (ἀκρίτο οὐδενὸς ἄνευ τῷ δέμῳ τῷ Ἀθηναίων), and to abide by these and other constraints, provided that Chalkidians obey “the Athenian people” (4–16). The Chalkidians were to swear not to revolt from “the Athenian people” (21–22), to aid and defend “the Athenian people” if anyone injures “the Athenian people” (29–31), and to obey “the Athenian people” (31–32). Antikles’ provisions on aliens at Chalkis, moreover, excepted those who had been granted *ateleia* “by the Athenian people” (54–55). Now, while the Chalkidians were also to denounce revolutionaries “to the Athenians” (24–25) and pay “to the Athenians” whatever tribute they persuaded “the Athenians” to accept (25–27), the emphasis on allegiance and obligation to the *demos per se* is striking, perhaps even pushy.¹⁰⁹

The courts and the people were the backbone of Athenian democratic power, so that the vow to abstain from punishments without trial,¹¹⁰ “without consent of the *demos*,” has the ring of a slogan.¹¹¹ The injunction against

¹⁰⁹ IG I³ 40.4–16: οὐκ ἐχσελῶ Χαλκιδέας ἐχ Χαλκίδος οὐδὲ τὴν πόλιν ἀνά|στατον ποέσο οὐδὲ ιδιότεν οὐδένα ἀτιμ|όσο οὐδὲ φυγῆι ζεμίόσο οὐδὲ χυλλέφσο|μαι οὐδὲ ἀποκτενῶ οὐδὲ χρέματα ἀφαιρῆ|σομαι ἀκρίτο οὐδενὸς ἄνευ τῷ δέμῳ τῷ Ἀθηναίων, οὐδ’ ἐπιφσφιῶ κατὰ ἀπροσκέτο | οὔτε κατὰ τῷ κοινῷ οὔτε κατὰ ιδιότο οὐδ’ ἐ ἑνός, καὶ πρεσβείαν ἐλθῶσαν προσάχοσ | πρὸς βολὲν καὶ δέμον δέκα ἔμερῶν ἦσαν | πρυτανεύο κατὰ τὸ δυνατόν. ταῦτα δὲ ἐμπ|[ε]δόσο Χαλκιδεῦσιν πειθομένοις τῷι δέ|[μ]οι τῷι Ἀθηναίων; 21–22: οὐκ ἀπο[σ]τέ|[σ]ομαι ἀπὸ τῷ [δ]έμῳ τῷ Ἀθηναίων; 29–32: καὶ τῷι δέμῳ Ἀθηναίων βοεθῆσο καὶ ἀμυνῶ, ἐάν τις ἀδικῆι τὸν δέμον τὸν | Ἀθηναίων, καὶ πείσομαι τῷι δέμῳ τῷι Ἀθηναίων; 54–55: καὶ εἴ τοι δέδοται ἠ|υπὸ τῷ δέμῳ τῷ Ἀθηναίων ἀτέλεια; 24–27: κ|αὶ ἐὰν ἀφιστῆι τις κατερῶ Ἀθηναίοισι, κ|αὶ τὸν φόρον ὑποτελῶ Ἀθηναίοισιν, ἡὸν | ἄν πείθο Ἀθηναίος.

¹¹⁰ The injunction against execution without trial seems also to have appeared in the bouleutic oath, [Andoc.] 4.3, some core of which likely comes from 501/0, as *Ath. Pol.* 22.3 gives; but this particular provision is generally held to have followed the coup of 403; see Forsdyke 2005: 219. For the earlier phrase, ἄνευ τῷ δέμῳ τῷ Ἀθηναίων πλεθύοντος, found at IG I³ 105.34–35, 35, 40–41, which belongs to the period of Athens’s “codification” of laws, but preserves regulations on the *boule* generally thought to belong to the early decades of the democracy, see Ryan 1994. For discussion see Ostwald 1986: 31–40.

¹¹¹ The two notes are perhaps sounded together elsewhere in Attic epigraphy in a heavily restored treaty between Athens and Siphnos, from the mid fourth century (*Agora XVI* 50.9–13): [...]τ[...] Ἀθηναίων δὲ τὸν δῆμον | τ[...] Σιφνίων [μη κτένευ ἄνευ τῷ] | δήμῳ τῷ Ἀθηναίων [μηδὲ διώκεν]· | ὡς δ’ ἄμ μηδὲς ἀποθ[άνη] Ἀθηναί[ω]ν, ἄκριτος, ἀντις[... – 12 –].

punishment without consent of the Athenian people appears in two Athenian proxeny decrees of the 420s.¹¹² Moreover, when just a few years later the Mytilenian Euxitheos stood trial at Athens for a homicide alleged to have been committed abroad he strikes a similar chord. He reminded the jury that “not even a *polis* can punish a man with death without the consent of the Athenians”¹¹³ and that “if it is possible for a slave to testify against a free man in a homicide trial, and for a master—if he decides to—to sue on behalf of his slave, and if there can be a jury vote, just the same, for one who has killed a slave and one who has killed a free man, then it was surely reasonable that there be a jury vote concerning him [a slave witness] as well, and that he not

It is often suggested, e.g., Forsdyke 2005: 213–14, and Ryan 1994: 125, that both ἀκρίτο οὐδενός and ἄνευ τῷ δέμῳ τῷ Ἀθηναίῳ refer to the popular courts. I do not wish to claim anything broad about the semantic overlap of *demos*, *ekklesia*, and *dikasterion*; see, e.g., Hansen 1983 [=GRBS 19 (1978) 127–46] and 1989 [=C&M 40 (1989) 101–6]. But I am inclined to agree with Blanshard 2004: 31–34, esp. 32, on the “gap” between jury and *demos* that this text suggests. The provision cannot have barred X, Y, and Z, “without trial, i.e., without consent of the popular courts.” As Blanshard observes, the one was not a gloss on the other. Furthermore, unless we regard ἀκρίτο οὐδενός as applying only to the immediately preceding promise not to seize a person’s assets (8–9), which scarcely seems likely, then one of the actions Athenians swore to forego “without trial, without consent of the people” was civic devastation (5–6), which Athenian juries did not impose. The Greek simply insisted that extra-judicial punishment could not be imposed without consent of the people; this was a check. Ἀκρίτο οὐδενός modifies the preceding injunctions (in the genitive owing to proximity of ἀφαιρέ|σομαι), and ἄνευ τῷ δέμῳ τῷ Ἀθηναίῳ modifies the union set. Any punishment that was not sanctioned by the courts would have to be approved by the people, which must mean the popular assembly. When the speaker of Lys. 22 observed that some members of the *boule* recommended remanding the *sitopolai* to the Eleven for execution “without trial,” but that he preferred a jury trial “in accordance with the law,” he was not, I suggest, stating that a jury trial was *compelled* by law (and thus that execution without one was illegal), but that he preferred to pursue one, as *allowed* by the law; he was boasting moderation, not the avoidance of illegality (22.2); Carawan 1984: 118 argues that by the second half of the fourth century such executions were illegal, “a familiar anachronism, still on the books, but noteworthy only as a legal curiosity” (121). True or not, that was decades after the decree on Chalkis.

¹¹² IG I³ 70.5–7 (420s): --- δὲ μὴ | ἐ]ξείναι ζημιῶν [--- ἄνευ] | τῷ δήμῳ τῷ Ἀθηνα[ίων; on the date: SEG XXXVI 6. IG I³ 65.20–22 (ca. 427/6): [καί] μὲ ἐχσῆναι αὐτὸν | [μεδεν]ι ζεμιῶσ[ι] ἄν]εῦ τῷ δέμῳ τῷ Ἀθεν[αίῳ]. Gerolymatos 1987. This was proposed and passed via rider moved moved by an Antikles (7–8, Ἀντικλ[ῆς εἶπε], who may well have been the same man who proposed the second decree on Chalkis (IG I³ 40.40): Mattingly 1996: 56.

¹¹³ For a putative generic rule on this, as well as Archestratos’s rider, see Balcer 1978: 102–18 and esp. 119–42.

have been killed by you without a trial.”¹¹⁴ Now, Euxitheos did not claim the necessity of consent of “the *people* of Athens,” but here was the son of a Mytilenian who was somehow involved in the recent oligarchical revolt,¹¹⁵ who was arguing that his trial before a popular court, rather than the more conservative Areopagos, was illegal and unfair (Antiph. 5.8–19)! Caution was in order. And so Antiphon had Euxitheos underscore the validity of Athens’s jurisdictional claims, but also celebrate the power and importance of the popular courts with language that, to judge by its appearance in three contemporary decrees concerning Athens’s obligations to its friends and allies (*IG* I³ 40, 65, 70), recalled a topical, current, popular catchphrase. He was not referring to the decree on Chalkis *per se* but to a wider cultural conversation of which it was a part.¹¹⁶ It is a telling contrast that around 453/2 Athens compelled Erythraians to swear allegiance under a different, less popular, banner.¹¹⁷

¹¹⁴ Antiph. 5.47: νῦν δὲ αὐτοὶ καταγόντες [τὸν] θάνατον τοῦ ἀνδρὸς ἀπεκτείνετε· ὁ οὐδὲ πόλει ἔξεστιν, ἄνευ Ἀθηναίων οὐδένα θανάτῳ ζημιῶσαι; 48: εἴπερ γὰρ καὶ μαρτυρεῖν ἔξεστι δούλῳ κατὰ τοῦ ἐλευθέρου τὸν φόνον, καὶ τῷ δεσπότη, ἂν δοκῆ, ἐπεξελεθεῖν ὑπὲρ τοῦ δούλου, καὶ ἢ ψήφος ἴσον δύναται τῷ δούλῳ ἀποκτείναντι καὶ τῷ ἐλευθέρῳ, εἰκὸς τοὶ καὶ ψήφον γενέσθαι περὶ αὐτοῦ ἦν, καὶ μὴ ἄκριτον ἀποθανεῖν αὐτὸν ὑφ’ ὑμῶν.

¹¹⁵ Euxitheos protests that his father was not found to be involved in the revolt (Antiph. 5.77), that inasmuch as he had been involved he had acted under compulsion (79), and perhaps most enigmatically, that he had left Mytilene for Thrace not because of any wrongdoing but in order to avoid sycophants (78). True or not (we cannot know), this sounds like special pleading; χωροφιλεῖν was rare, this very passage earning comment by Poll. *Onom.* 13.

¹¹⁶ In other, slightly later, contexts of political factionalism, the phrase seems to insist on reference to the assembly, or at least not to the courts: Rhodes and Osborne 17.3–11 (ca.386): μὴ ἐξείναι [τῶν] στρατηγῶν διαλλάξαι | μηθὲν πρὸς τοὺς ἐν τῇ πόλει ἄνευ τοῦ δήμου τῷ Ἀθηναίων· μηδὲ τῶμ φυγάδων, οἷς ἂν ἐξελάσωσιν Ἐρυθραῖοι, μηδὲν ἐξείναι κατάγειν ἐς Ἐρυθρὰς ἄνευ τοῦ | δήμου τοῦ Ἐρυθραίων; *SEG* LIX 101.11–13 (387/6): καὶ μὴ ἐξείναι τῶν στρατηγῶν μηδὲν [τῶν] οὐς φεύγοντας κατάγειν ἄνευ τοῦ δήμου τοῦ Κλαζομε]νίωμ μήτε τῶμ μενόντων μηδένα ἐξελαύνειν.

¹¹⁷ *IG* I³ 14.26–29: [(presumably) οὐτ’ | ἄλλο]ι πείσο[μ]α[ι] τῶν ἐς] Μέδος φε[ν]υ[γ]ό[ν]το[ν] ἄνευ τῆ[ς] β[ο]λ[ε]ῦ[ς] τῆ[ς] Ἀθηναίων καὶ τῷ [δ]έμο [ο]ἰ[σ]τ[ο]ν τῶν μενόντων ἐχσελθ[ε]ν [ἀ]ν[ε]υ τῆ[ς] β[ο]λ[ε]ῦ[ς] τῆ[ς] Ἀθηναίων καὶ τῷ [δ]έμο; compare in the same text 21–24: βολεῦσο ἡς ἂν [δύ]νο[μ]α[ι] ἄριστ[α] καὶ [δ]ικα[ι]ότη[τα] Ἐρυθραίων τῷ πλέθει καὶ Ἀθηναίων καὶ τῶν [χ]συν[μ]ά[χ]ον [κ]αὶ οὐκ [ἀποσ]τέσομαι Ἀθηναίων τῷ π[λ]έθει οὐδὲ [τ]ῶν χσυνμάχον τῶν Ἀθηναίων. See also *IG* I³ 48.15–23 (439/8): δρ[α]σο καὶ ἐρῶ καὶ βολεῦσο τῷ δέμοι τῷ Ἀθηναίῳ ἡ ὅ τι ἂν δύνομαι καλὸν κ[αὶ] ἀγαθόν, [οὐδὲ ἀ]ποστέσομαι ἀπὸ τῷ δέμο τῷ Ἀθηναίῳ οὔτε λ[ό]γοι οὔτε ἔργοι οὐδὲ ἀπὸ τῶν χσυνμάχον τῶν Ἀθηναίων, καὶ ἔσομαι πιστὸς τῷ δέμοι τῷ Ἀθηναίῳ· Ἀθηναίος δ’ ὁμόσαι· δρ[α]σο καὶ ἐρῶ καὶ | βολεῦσο καλὸν τῷ δέμοι τῷ Σαμίῳ ἡ ὅ τι ἂν | [δύνομαι. Would that we knew more about the

The 420s was a period in which questions of who was liable to Athenian taxation, who was not, and how one decided, were in the air, a hot topic; Athens was honoring friends with immunity, creating conditions under which its citizens could compete to shift burdens from themselves to their peers, and developing a new levy that was not subject to such agonistic trading. Complaints arose. Popular power was growing, thanks in large part to skillful use of the popular courts.¹¹⁸ The Athenian decree on Chalkis, with its emphasis on popular power and fair judicial process via the authority of the *demos* and *dikasteria*, with its legal innovation (Archestratos's rider) and its attention to rewarding and cultivating friends with thoughtfully framed immunities, is entirely at home in this period. It makes sense. Still, it is hard to infer motives from the content and tone of any decree, even where we think we know something about its proposer. But in *IG I³ 40* we have two decrees and one rider, and we know virtually nothing about their framers. As to the precise goals of the measures on liability and immunity at Chalkis, we can only speculate. In a climate of increased popular control over the assignment of liturgical duty, holders of immunities might find it difficult or embarrassing to insist upon their validity. Perhaps old elites and profit-minded metics who were reluctant to play by the new rules, or perhaps uneasy with the prospect of leaving their liability in the hands of a jury, found in recent events an opportunity to enact legislation that would allow them to quit the city and never have to pay taxes again. Or perhaps this was a democratic gambit meant to shed the most intransigent rich and pressure more moderate resisters to acquiesce, an

poorly preserved and imprecisely dated *IG I³ 157+213* (440–410): μ[ἐ] ἔχσέστο μ[εδενί –¹⁰ –][.] προσ[κ]αλέσθαι Ἀθῆ[να]ίε ἀνευ τῆς β[ου]λῆς ἔ τὸ δέμο τὸ Ἀθε[ναίων] μεδὲ μεδ[έ]ν]α ἐγμάρτυρον αὐτῶ[ν]. The pairing of *boule* and *demos* here in contexts quite similar to the one found in the decree on Chalkis, from but a few years earlier, makes it likely, I suggest, that the people in both formulas were the assembly, and not a jury court. See n111 above.

¹¹⁸The long, clearly complicated, and very badly preserved Athenian provisions for *Hestiaia* (*IG I³ 41*) are challenging to square with historical circumstances of one period or another. It might be worth noting, however, that its numerous provisions concerning judicial and legal process would not be out of keeping with a date in the 420s. Such a date would also suggest obvious meaning to the tantalizing bit preserved at line 38: – – – δὲ χρεμάτων ἐσφο[ρά]ς – – –; if *eisphora* commenced in 428 and this text dates to 424/3, then we need no other definition for this phrase; if the text belongs to 446/5, then we do not know what this “contribution of money” was, not that the phrase alone *proves* anything. See Mattingly 1996: 162–63. A similar phrase is found at *IG I³ 21.56* (περὶ τῶν χρεμάτων τῆς ἐσφορᾶ[ς]), for which Mattingly's later date 426/5 is now accepted: Rhodes 2008: 503; Papazarkadas 2009: 71–72.

expression of a democratic ideology that applied to both citizens and metics: if you want to stay, you have to pay to play. Or something altogether different.

But whatever the precise political or economic purpose(s) of the clauses on taxation of aliens at Chalkis—and we may never know—they left Chalkis free to set its own tax policy, except in the case of individuals to whom Athens had already extended the privilege of *ateleia*, whether conditional on residency or not. They were a clear assertion of Athens's role as chief arbiter of honor: whomsoever Athens treats to immunity, so shall Chalkis. And so says the grammar. I urge that this interpretation is agreeable to a date of 424/3. But whatever the date, the measure itself was a slap in the face, not a punch in the gut.

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